

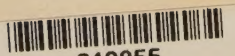
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THE
PARLIAMENTARY
DEBATES,

New Series,

VOL. XI.

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THE
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED
“ THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE YEAR 1803.”

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

New Series;
COMMENCING WITH THE ACCESSION OF GEORGE IV.

VOL. XI.
COMPRISING THE PERIOD
FROM
THE THIRTIETH DAY OF MARCH,
TO
THE TWENTY-FIFTH DAY OF JUNE, 1824.

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1825.

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ERRATUM.

In the report of Lord Holland's Speech in the House of Lords, on the 3rd of February, which will be found in Vol. X. p. 31, his lordship's opinions, with regard to the resumption of Cash Payments, have been misapprehended. Instead of the words "Indeed, he felt the more
"anxious to express this opinion, because
"he had been one of those, who, when that
"great measure was agitated in parliament,
"most warmly opposed it. Appalled at the
"possible consequences that might ensue, he
"certainly had been far from friendly to the
"execution of a measure which he did then
"believe to be fraught with danger; and
"which he now acknowledged to have been
"thus instrumental in restoring prosperity to
"the kingdom," the Reader will please to

substitute the following—"Indeed, he felt the
"more anxious to bear his testimony to the
"wisdom as well as honesty of that measure,
"because, though *he had always been a strenu-*
"*ous friend to it, as the Journals of the House*
"*would shew*, yet, when the moment came, he
"owned he had felt in secret somewhat ap-
"palled at the danger with which it was
"fraught, and would have been brought to
"consent to modifications which he now re-
"joiced were never adopted; inasmuch as the
"prosperity of the kingdom had not materially,
"or at least permanently, suffered by the
"change, and the character of parliament and
"of the country, and the credit of the govern-
"ment and of the empire had been greatly
"benefitted thereby."

THE Parliamentary Debates

During the Fifth Session of the Seventh Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Third Day of February 1824, in the Fifth Year of the Reign of His Majesty King GEORGE the Fourth.

HOUSE OF LORDS.

Tuesday, March 30, 1824.

SLAVE TRADE PIRACY BILL.] On the order of the day for going into a committee on this bill,

Earl Bathurst said, that the bill to which he had to call their lordships' attention was one of very great importance, and it was also of importance that it should be passed into a law as soon as possible. Unless the bill should now pass, so that the news of its passing might arrive in America previous to the separation of Congress, the convention agreed to between this country and the United States could not be carried into effect, as the sanction of Congress was necessary. If it were not now obtained, it could not be had till November, and the measure would remain incomplete. Instead, therefore, of moving that the bill be now committed, he should propose that it should not go at all to a committee, but be now read a third time.

Earl Grosvenor said, he would not object to the course proposed by the noble earl. He wished to see the bill passed as soon as possible into a law, that the convention might receive the assent of the United States, and that both countries might reap equal honour from passing such a law. He congratulated the House and the country on the progress which this measure had made since the question of the Slave Trade was agitated forty years ago; and he particularly congratulated the House at finding that after so long a period, some of those persons who first started forward in the good work,

were still living, and zealously employed in carrying it to its full completion. He did not rise to make any opposition to the bill, with which he fully concurred, but to advert to a subject connected with it; and to take that opportunity of putting some questions to the noble earl. He had before expressed his hearty approval of the instructions sent out to our colonies by the noble earl; but there were one or two points connected with those instructions, to which he wished to draw his attention. He understood that the object of those instructions was, to lead to the final abolition of slavery; this was the ultimate view, and to promote this, every facility was to be given. It had been stated, he understood, by the noble earl opposite, on a late occasion, that four years ago the question was doubtful, whether the progeny of slaves were themselves slaves or not; and that then an act had passed, settling the doubt, and declaring that they were. He supposed, therefore, if nothing further than these instructions were to issue, that the children were to remain, as before, the slaves of their masters, because their parents were slaves. He wished some measure to be adopted to obviate this—a measure something like that which had been agreed to in Colombia, where a sum was appropriated gradually to promote the manumission of slaves. He had understood from the noble earl at the head of the Treasury, that the government was disposed to give every facility to attain his object. Indeed, that noble earl had pledged himself, if the present measure should be found not to afford facilities enough, that other and more extensive

measures should be adopted. The point to which he wished first to direct the attention of the noble earl was, this pledge of the noble earl at the head of the Treasury; which he hoped the noble earl opposite would now confirm. The next point to which he wished to direct the attention of the noble earl was, the contumacious Islands. He was disposed to infer from the speech of the noble earl, that it was not intended to adopt any proceedings to extend to them the regulations which had been drawn up for the other islands. But these islands might proceed further than they had done, and Jamaica might carry those threats into execution, which the orators of its House of Assembly had uttered. He wished to know, in this case, what measures the noble earl opposite was prepared to adopt? For his own part; he should prefer having recourse to those fiscal regulations to which the noble earl had formerly alluded; as he thought it better to carry on a bloodless war of the Custom-house, which might restore those colonies to their reason, than have recourse to any stronger measures. If such regulations were adopted in time, they might save their lordships and the country from being ultimately obliged to adopt measures of a more disagreeable character. This was a point of the greatest importance, on which it was necessary their lordships should have some correct information. One other point to which he wished to direct the attention of the noble earl opposite was, the proposed ecclesiastical establishment. He wished to know how this was to be provided for? At present, there was an extensive system of spiritual instruction in the islands which cost the country nothing; and of the missionaries the noble earl himself had spoken with considerable approbation. It would certainly therefore be satisfactory to their lordships to know what that establishment was to cost by which they were to be replaced. The last point on which he would touch, was free labour. It was idle to say, that this could not be adopted in our West-India Islands. At Sierra Leone it had succeeded so well, that men just captured and rescued from the hands of the slave-dealers, were found to make good labourers. All these points were of considerable importance; and the House required information respecting them, before it could see any prospect of the final abolition of the abominable system of slavery. Before

he sat down, he could not refrain from expressing his regret at finding that there were persons in this country, who maintained that the situation of West-India slaves was better than that of the labourers of England. Perhaps, in some instances, the slaves might be better off, in point of food; but what did that amount to, when the great difference between the situation of an English peasant, enjoying all the blessings of liberty in a free country, and the slave compelled to labour at the will of his master, was taken into consideration? It was astonishing that any persons could compare the freedom in the one case, with the slavery in the other. The difference was as striking as that of light and darkness.

Earl Bathurst said, that as the noble earl had no objection to make to the measure then before their lordships, it was not necessary for him to take up the time of their lordships by making any remarks on that subject, and he only rose to answer the questions put by the noble earl with respect to slavery, and with respect to the future amelioration of the condition of the slave population. On the subject of the first question, he had been misunderstood. The noble earl seemed to think that he had, on a former occasion, entered into the question, whether the issue of slaves were to be free or not? and also to think, that he had stated, that until within the last four years the law on this point was uncertain, and that then an act of parliament had declared, that the issue of slaves should be also slaves. What he had stated was, that the proprietors of slaves had a right to their issue; and this principle was confirmed by all the statutes, which throughout recognised the principle, that the issue of a slave was the property of his master. He had stated this as a general principle, with reference to the registering of slaves. There was a clause in the Registry act, that no creditor having lent money on any particular estate, could have any hold on the slaves of that estate as a security for his debt, unless they were particularly mentioned in the mortgage. In those islands where the Registry act was in force, it was not possible to raise money on mortgage, unless the slaves, in whose labour the value of an estate consisted, were expressly mentioned. In the law referred to, the registering of the slaves was considered as one of the means therefore of securing property; and his observations, on the occasion alluded to

by the noble earl, were not applied to the general question, of the offspring of slaves being always slaves, but solely went to recognize the principle, with a view to this registry; and to this security of property, that the offspring of the slave was also the property of his master.—As to the second point in the noble earl's speech; namely, the giving facilities to the manumission of slaves, it was a fact, that there were already existing by custom many facilities for attaining this object; and the instructions mentioned by the noble earl only gave the sanction of law to previous customs. As the laws now stood in most of the islands, property under mortgage derived much of its value from the slaves; and it certainly was not intended by these regulations, that any persons having an interest in that property should be injured by these regulations. If the encouragement given by the government to manumission were found ineffectual, he could assure the noble earl, that there was a strong disposition on the part of his majesty's government to encourage the manumission, and if the instructions already sent out did not lead to this object, more efficacious measures would be adopted. As to the legislative assemblies of the other islands, and their disposition to adopt the instructions and regulations sent out, he thought nothing could be more likely to injure the cause which the noble earl meant to serve, than now making their conduct the subject of discussion. He hoped and trusted, that they would take a more liberal and calmer view of the question.

The Marquis of Lansdown, while he thought it was natural that his noble friend should wish to obtain information respecting the state of the slaves and the future intentions of his majesty's government, agreed with the noble earl opposite, that it was better to refrain, at present, from entering into any detailed discussions on the subjects which had been agitated. He trusted, however, that the noble secretary of state had some solid ground for believing, that the islands in which the order in council was not to be immediately enforced, would be induced to take a more reasonable view of the subject than they had hitherto done. Indulging this hope, he certainly was disposed to let the question rest as it now stood. But if, unhappily, those islands should persist in the course they had hitherto taken, then the discussions which the

noble earl deprecated must come on. In the mean time, it certainly was much more desirable that the assemblies in the West-India islands should, of their own accord, entertain right views on this important subject; that, from the example of the other colonies, where the system of amelioration was to be carried into effect, they might at last be induced to adopt those measures, to which their own interests, not more than humanity, required them to resort, and by which alone the population of the colonies could be improved, and civilization advanced; and thereby relieve the king's government and that House from the disagreeable task upon which they would have to enter, were they to be called upon to discuss the question of the means of enforcing the measures for the well-being of the whole of his majesty's dominions which, in the case of undue resistance, must arise. For the reasons he had stated, he did not wish to go further into this subject. Neither did he rise to offer any opposition to the bill, which, happily for the country and for the world, was now on their lordships' table—a bill, the object of which he had long taken every opportunity to urge and recommend, as a measure indispensably necessary for the total abolition of the slave trade. The measure, however, could not be efficient without the concurrence of other powers. A bill, making the slave trade piracy, had previously passed the congress of the United States; and it was satisfactory to see a free people thus taking the lead, by acts of their own suggestion, in measures of justice and humanity. He understood that the treaty concluded between the United States and this country was as yet conditional. He knew not why it had not been laid on the table; perhaps it was kept back in consequence of its being as yet regarded as merely conditional. He knew not whether what he was stating was right [Earl Bathurst said across the table that the treaty was not ratified]. That accounted for its not being laid on the table. But his reason for now addressing their lordships, or rather the noble secretary of state, was his wish to be informed whether the treaty contained a provision binding the two countries to press the adoption of the same stipulations by all christian nations. The governments of Europe having already adopted the principle, that the slave trade is contrary to humanity, it would be an everlasting

disgrace to those who permitted any practices calculated to counteract the object of this bill. Happy as he should always be at seeing this country and the United States of America embarked in any common cause, he still more rejoiced at seeing them united in one, the principle of which was humanity, and which was so important to the welfare of both countries and so consistent with what was to be expected from their common origin and common religion. Taking it for granted that the treaty contained a provision of the kind to which he had alluded, he trusted and hoped that no time would be lost by the two contracting powers, in recommending, by their example, and enforcing by their demands on other states, the execution of the treaty; and, should any be hardy enough to oppose its execution, that they would, if necessary, be declared "hostes humani generis," and stamped with that character of disgrace which such a conduct would deserve. Having said this much, he felt it to be an act of duty to a most worthy individual, to mention, that the principle of piracy, as applied to the slave trade, was first acted on by a British officer employed in the Arabian gulf. Sir W. Keir Grant had concluded a treaty with the Arab princes on the shores of that sea; one condition of which was, that carrying away persons from the coast of Africa should be considered a crime against the law of nations in general, and against this country in particular. He did not know whether this condition had been strictly adhered to by the Arab powers; but the introduction of the principle redounded not the less to the honour of the gentleman with whom it originated. He hoped that the same condition would be introduced into all future treaties, and so strictly enforced, as to effect the extinction of the barbarous atrocities committed on the coast of Africa. He had no wish to oppose the course by which the noble secretary of state proposed to expedite the bill, and could not but applaud the zeal he had manifested in bringing forward this important measure.

The Earl of *Harrowby* stated, that the constitution of the United States required, that the treaty should have the sanction of congress before it could be ratified; for that reason it was proper to despatch the present bill as speedily as possible, one of the same kind having already passed the congress. Our bill and treaty were, however, measures independent of

each other; and so were the American bill and treaty. It followed, therefore, that, whether the treaty should be ratified or not, the slave-trade would still be piracy by the laws of both countries. In reply to the question of the noble marquis, he had to state, that there was in the treaty a stipulation, by which the United States and Great Britain pledged themselves to invite other powers to accede to the same measure.

The bill was then read a third time, and passed.

HOUSE OF COMMONS.

Tuesday, March 30.

MANCHESTER GAS-LIGHT BILL.] Sir *J. Mackintosh* said, he had a petition to present from a Mr. William Walker, a solicitor of Manchester, which the House would be inclined to listen to with attention, when he told them, that the petitioner complained, that his private and professional character had been attacked in the course of a proceeding under the sanction of the House, by charges which he had no opportunity of refuting, but which he was able to refute by evidence, and which he prayed to be allowed so to refute. He (sir J. M.) had no bias whatever on the subject of the proceedings, in which the matter complained of by the petitioner originated; or, if the names connected with it could give him any bias, it would rather be hostile to the party which the petitioner had espoused. The fact was, that a witness had been examined before the Manchester Gas-Light bill, who threw imputations upon the conduct of the petitioner, and subsequently before any evidence could be offered in refutation of this evidence, the committee adjourned sine die. Whether this adjournment was or was not within the words of the reference to that committee, he would not inquire; but when the petitioner stated, that by the imputations which he had been thus deprived of an opportunity of answering, his character would be taken from him, his professional prospects blasted, and himself reduced to utter ruin, if the House did not interpose, the petition could but receive the most favourable consideration. He moved that the petition be brought up.

Mr. *Bright* rose to order. It was, he said, irregular for any member of that House to allude to the proceedings of a

committee, unless the minutes of those proceedings were before the House. Now what was irregular when done by a member, must certainly be as irregular, when done by a person who had not a seat in that House. He therefore objected to the bringing up of the petition.

The *Speaker* said, it was clear that the petition referred to a matter of which the House had no cognizance whatever. This was the state of the case. The House had entertained a bill, and sent it to a committee up stairs. It having been so sent, the committee was bound, according to the strict forms of the House, to make a report; and, until the time had expired within which the committee had received directions to make their report, the House had no means of knowing that a report would not be made. At present, as there had been no order directing the minutes of the proceedings to be laid upon the table, the House could have no cognizance of what had passed in the committee, but must presume that every thing had been done correctly. In these days, it was very difficult to say what petitions should not be received, if they were properly worded; but it would be rather extraordinary to receive a petition which had been framed under such circumstances as that presented by the hon. and learned member for Knaresborough.

Mr. *Hume* thought it extremely hard, that the petitioner should receive no redress for the injustice which he alleged to have been done to him by the committee.

The *Speaker* was not quite sure that he had made himself perfectly understood. It was clear to him, that the case stated in the petition was not one for which there were no means of redress. All that he said was, that the House could have no knowledge of the circumstances mentioned in the petition. It was, however, competent to any member who knew that the committee was not sitting, to move that the minutes of their proceedings, up to the time when they ceased to sit, should be laid before the House. If such a motion were made and agreed to, the House would be cognizant of all the proceedings, and might then act upon any representation which should be made.

Mr. *Bright* said, he was borne out by the orders of the House in declaring, that it was incompetent to any member of that House to speak of what had passed in a committee, before the minutes of the

proceedings had been laid upon the table; a fortiori, it was incompetent to any individual, not a member of that House, to do so.

The *Speaker* said, he did not know that he had even now made himself understood. It would not, he thought, be safe for a person in his situation to go the length of saying that, under no circumstances, could any representation be made to that House by petition of what had passed in committee. The course of proceeding which he had pointed out would be more efficacious, and more likely to afford a remedy for any grievance, than any other which, under the present circumstances, the House could adopt.

Mr. *P. Moore* observed, that until the report from the committee was made, no motion on the proceedings in the committee could properly take place. It was not to be presumed that the committee would strangle by an adjournment the bill which it was referred to them to consider.

Mr. *B. Wilbraham* said, that the hon. member for Sussex had given notice of a motion for that day, on the subject of the adjournment of the committee, and he should therefore not detain the House on the subject. As to the supposed wrong done to Mr. Walker by the adjournment, he should merely state, that the committee on the bill had sat every day for a month; that every tittle of the evidence for the bill had been gone through, and in the course of the evidence against the bill, a fact had been incidentally spoken to, which bore on the character of Mr. Walker. The committee subsequently adjourned sine die; but it was evident to those acquainted with the course of proceedings, that if the committee had continued to sit, Mr. Walker would not have been allowed to offer evidence in reply to the evidence against the bill; because such a course was never followed, and would never bring the business on a bill to a termination. Evidence was first offered pro, and then contra, and the committee immediately after reported.—Such was the invariable practice.

Sir *J. Mackintosh* in the understanding that the motion of the hon. member for Sussex would come on immediately, said, he should consent to withdraw the petition for the present.

Mr. *Curteis* then rose, in pursuance of notice, to move, that the committee, to whom the Manchester Gas-Light bill was

referred, and which had adjourned sine die, should be revived and proceed to business to-morrow. His only motive for bringing the subject before the House was, that in the course of the proceeding, in the committee, most extraordinary practices had been detected, which the adjournment sine die had prevented from being brought under the consideration of the House. He proceeded to read from the minutes of evidence, a statement of a witness, that he had signed, on one occasion, to a petition in favour of the bill, 400 names of persons, some living, some dead, while a man assisted him by mending and changing the pens, to give an appearance of difference to the hand-writing.

Lord Stanley rose to order, and objected to the reading of the minutes of evidence which had not been regularly laid before the House. He had been chairman of the committee, and he did not know that the minutes were yet regularly in the hands of a single individual.

Sir J. Mackintosh said, that every member who had attended an open committee, might state in his place what had taken place there.

Lord Stanley admitted that a member might state what had occurred, to lay a ground for the production of the minutes but to read those minutes before they were produced, was irregular.

The Speaker confirmed the opinion of Lord Stanley. It was difficult to lay down a strict rule, as to the statements which might be made of transactions in a committee, but the regular course was first to move the House, that the minutes be produced.

Mr. Curteis said, that his only object was, to bring before the House the manner in which petitions from manufacturing and mercantile places were got up; that, when the House saw the hon. member for Yorkshire, or any manufacturing county, come down loaded with petitions like Atlas, for the abolition of slavery, and what not, they might know what value to give to them. He had no concern with Manchester, and scarcely a wish on the subject of the bill; he only wished to see these matters investigated.

Mr. Stanley, in a maiden speech of much clearness and ability, opposed the motion. The bill which had been under investigation had, he said, excited so much interest among many members connected by no local concern in the affairs of Manchester, that he would

briefly state the proceedings of the committee, and explain the motives on which it had come to its final determination. He had himself attended during the whole of the proceedings of the committee, and he could truly state, that he had gone into that committee with no bias against the bill, but with prepossessions rather favourable to the objects of it. But, before the evidence in favour of the bill had concluded, from the cross-examination of its own witnesses, his opinion in favour of it was entirely changed. It had been represented, that this bill was advocated by the body of the population of Manchester. He found that it was neither demanded nor desired by them, nor by any considerable part of them. It was contended, that under the present mode of supplying gas, the quantity and quality were deficient: both these assertions were disproved. It was asserted by the petitioners for the bill, that their wish was, to break up a monopoly. It appeared that the "monopolists" were a committee elected by a body of commissioners, said by some of the witnesses to amount to 20,000, who consisted of all persons possessing or occupying property to the value of 30*l.* a year. Of these every one had an equal vote, while, under the bill, the petitioners proposed to give votes to the proprietors of shares, whether resident or not in Manchester, according to the amount of shares, with liberty to vote by proxy. In support of the bill a petition had been presented, signed by seven hundred names. Of these, one hundred and eight were duplicates. He acquitted the petitioners of any attempt at fraud in this particular; it was too gross to suppose it to be premeditated. But, what was the defence?—that they had attached to the petition a skin of signatures which had nothing at all to do with it. It was, however, intimated, to the committee, that a person of the name of Corbett had informed a friend of his, that he, Corbett, had signed 300 names to the petition on one occasion, and, on another 196 names; and, after considerable discussion before the committee, it was decided, that he should be sent for. Subsequently to the statement to his friend, Corbett had made a deposition as to the facts; and, when he was examined before the committee, his testimony completely agreed with the deposition, and with his original statement. The only manner in which Mr. Walker was affected

by the evidence before the committee was, by a fact mentioned in the course of Corbett's evidence. Corbett had stated, that he had been met by a friend of his of the name of Hardman, who had informed him that he was paid 6s. a sheet for getting signatures, and that he accordingly, to oblige him, signed 300 names. That, as he was afterwards passing through the streets, he saw the same petition lying for signature at an office, and that he walked in and there signed 196 names more, some of persons who had been dead for ten or twelve years, and some of persons who had never existed at all. The fact that affected Mr. Walker was, that the office where the petition lay for signature was his; and that a young man, whom Corbett represented to be Mr. Walker's clerk, assisted him, by changing and mending the pens. It was on this statement only, that Mr. Walker complained that his character and prospects in life had been ruined and blasted. The motive of the committee in not bringing up the report, was that of mercy, because they could not make a report without bringing the authors of the fraud and contempt to punishment; and the reason of this mercy was, that not having obtained the evidence in the most regular way, they did not think themselves justified in using that evidence to punish the witness and his friends. In this decision the committee was next to unanimous. An hon. member who had supported the bill at the outset, had stated, that he was "shocked and ashamed" of the conduct of those whom he had supported, and gladly consented to the adjournment, *sine die*, on the express condition, that no further proceedings should be taken. As not a single reason of any validity had been adduced by the hon. member for Sussex, he should vote against the motion [hear !].

Sir J. Mackintosh said, he had heard, with the greatest pleasure, the speech which had just been delivered by his hon. young friend behind him—a speech which must have given the highest satisfaction to all who heard it, and which afforded the strongest promise, that the talents which the hon. member had displayed in supporting the local interests of his constituents, would be exerted, with equal ardour and effect, in maintaining the rights and interests of the country. No man could have witnessed with greater satisfaction than himself an accession to the

talents of that House, which was calculated to give lustre to its character, and strengthen its influence; and it was more particularly a subject of satisfaction to him, when he reflected, that those talents were likely to be employed in supporting principles which he conscientiously believed to be most beneficial to the country. He did not rise for the purpose of answering any of the objections which had been urged by the hon. gentleman, or of entering into the merits of the bill. This was wholly unnecessary; for the only question before them was, whether the House should order the committee to make a report upon the bill, that committee having resolved to make no report, and having consequently adjourned *sine die*. He did not mean to throw any imputation on the committee for having taken this course; but, as the act of adjourning *sine die* was, in point of form, a disobedience of the orders of the House, he thought the committee should be directed to comply with the order of reference. He thought also, that the prayer of the petitioner, whose character had been involved in the evidence before the committee was entitled to the attention of the House. Under all the circumstances he thought the hon. member for Sussex was justified in calling upon the House to enforce its original order.

Mr. Philips thought, that as the committee had adjourned *sine die*, it was at present extinct, and the regular mode of proceeding would be to revive it. This course was justified by a precedent which occurred in the year 1816. A more gross and fraudulent attempt to impose upon a committee of that House had never been made. So far were the people of Manchester from concurring in this bill, that it had been promoted only by a number of ale-house keepers, a quack doctor, and other persons, who had no sort of connexion with the respectable inhabitants of Manchester.

Mr. T. Wilson said, he had supported this bill in the first instance, because the company, in whose hands the lighting of the town of Manchester with gas had been for the last seven years, had only lighted one-fifth part of the town. He had withdrawn his support from it, not because he did not think the object of the bill useful, but because it had been promoted by means which could not be justified.

Mr. *Bright* thought the proceedings before the committee ought not to go forward, because this step would be attended with additional expense to the parties concerned. Whether some step ought not to be taken—such, for instance, as the appointment of a select committee to examine into the way in which these petitions were got up—he would not now inquire. Such a mode of getting up petitions was, undoubtedly, a high parliamentary offence, which might be visited with severe punishment. It had been declared, in the case of the Barnstaple petition, that it was highly unwarrantable; and a breach of the privileges of that House, for any person to sign the name of another person in any petition sent to that House. It was high time that the House should take some steps to put a stop to this dangerous and unjustifiable practice.

Sir *I. Coffin* said, he should vote for the revival of the committee, because that measure would afford an opportunity of doing justice to all parties.

Mr. *H. Sumner* said, that after what had fallen from hon. members, he had no wish for the revival of the committee. He thought, however, that the committee might have expressed some opinion in the form of a report, as to the nature of the evidence which had been brought before them.

Mr. Alderman *Heygate* thought the main question was, whether a committee of that House should exercise the discretion of making no report on a bill, in disobedience to the order of the House—a discretion which would give them an enormous power, and which might seriously involve the fortunes and character of individuals concerned in private petitions. He gave no opinion on the merits of the bill; nor did he mean to cast the slightest reflection on the committee, or to say a word in favour of the mode in which the bill had originated.

SECRET SOCIETIES—ORANGE PROCESSIONS IN IRELAND.] Mr. *Dawson*, in presenting a petition from certain Freemasons in Ireland, praying to be exempted from the provisions of the law against Secret Societies, observed, that societies of this description had given rise to the greatest excesses and crimes in Ireland. Orange processions, and Orange associations, were pregnant with as much danger and mischief as Catholic proces-

sions and associations. In fact, one procession led of course to a counter-procession; and he did not hesitate to declare, that he considered all processions of this kind, whether of Orangemen or Ribbonmen, as illegal and most mischievous, particularly in the north of Ireland. These processions, on days when strong political feelings were excited, such as the 1st and 12th of July and the 4th of November, had produced murders and mischiefs of every kind. He rejoiced at having an opportunity of expressing his sentiments on this subject, and he trusted that other gentlemen connected with Ireland would exert their influence, as far as possible, to discourage proceedings which could end only in mischief and disgrace to the country.

Mr. *S. Rice* thanked his hon. friend for the observations he had just made. He could not help thinking his present declaration as one of the most important which had been made this session. He trusted the recommendations of his hon. friend would be carried into effect, by all who possessed any influence in Ireland. The evil arising from Orange lodges was of late date; those associations had only been established within the last few years. He again begged his hon. friend to accept his acknowledgments for his present statement; a statement which, he trusted, would not be lost on the government with which he was connected.

Mr. *Hume* said, he wished to make one remark upon the subject; and it was this: that the lord chancellor of Ireland should turn his attention to the question, and remove from the commission of the peace, all magistrates who gave a countenance to these processions. He understood that most of the meetings, of which they had heard, had been attended or countenanced by some of the magistrates. The government had it in their power to put down these processions; and they could not hope to do it effectually, unless they resorted to some strong and decided method.

Mr. *Brownlow* said, he had another petition to present on the same subject, and he was desirous to say a few words. The petition which had just been presented was, in every way, deserving of consideration. It was a petition from certain Freemasons in Ireland, in which they stated that the Orange Societies have not been put down, although the Freemasons' Societies had been effectually

suppressed. That secret societies have not been put down, must appear clear to any man who had attended to the proceedings at the Spring Assizes in Ireland. The House could not but have felt surprised at the declaration of Mr. Baron McClelland, at the Assizes at Antrim, that although he and his learned brother had not completed half their circuit, yet they had gone through various trials of murder, arising out of these party processions. Though an Orangeman, and the representative of one of the most Orange counties in Ireland, he felt it his duty to call upon the government to take some steps to put an end to these processions; for he quite agreed with the learned judge to whom he had alluded, that as long as they were continued, no man's life was worth a pin's point; no man's property was worth a year's purchase in Ireland; and any man who was worth a penny-piece would transport himself beyond the reach of these hateful contests. The petitioners stated, that they were a charitable institution, founded upon benevolent principles; and the best security that could be offered for their character was, that they could boast to have the name of George 4th enrolled amongst their members, and the duke of Sussex for their Grand Master. The case then stood thus: the duke of Sussex and a large party of freemasons might dine together to-day in England; but if, to-morrow, they were to take a ship and sail for Ireland, the moment they arrived, they would be considered an illegal society. He therefore thought, that either the freemasons of Ireland should be exempted from the operation of the law, or the law itself should be made to extend generally throughout the whole empire.

Mr. *Abercromby* said, that having called the attention of the House to these secret societies in the course of the last session, no individual could feel more sincere satisfaction than he did, at the opinions which had been delivered by the gentleman opposite. He could not help remarking the great change which had taken place in the course of one year; for when he had given notice of his motion last year, he had been admonished, directly and indirectly, that the only effect of the proposition must be, to increase the strength of the Orange party. Gentlemen opposite now concurred in his opinion, that there was the most imminent danger to be apprehended from the con-

tinuance of these processions. He rejoiced in the statement of the gentlemen opposite, the more, because he had always been one of those who thought that more good could be done by influence than legislation. He had always been of opinion, that it was by the exertion of influence rather than by positive legislation, that these societies must be put down. He was the last man in the world for putting down opinions by violence; and would never consent, much as he hated the Orange institutions, to make them the objects of vindictive persecution. He saw, however, with great concern, that, notwithstanding the anxiety with which the government professed to put down these associations, persons of rank, holding offices of favour under it, still lent their names and countenance to them. He did not mean to say that those persons were privy to the secret oaths by which such associations were held together: no such thing. He thought, however, that they did nearly as much harm by holding nominal offices in them, as they would have done had they actually taken their oaths of secrecy. It would not be an act of persecution to those officers—on the contrary, it would be an act of humanity to those ignorant persons whom their name and authority misled, to make them feel, that the government would withdraw its favour from them, unless they withdrew their countenance from societies which produced little else than tumult, insurrection, and violence to the country.

Mr. *Monck* said, he was sure that all gentlemen must agree, that the more opportunities there were for Catholics and Protestants to meet on neutral ground, the better. Now, as the Freemasons admitted amongst their members persons of all denominations, he thought it deserved encouragement, and he hoped that, in the course of the session, some gentleman would introduce a bill to exempt the Freemasons from the operation of the law respecting Secret Societies.

Ordered to lie on the table.

COURTS OF JUSTICE IN SCOTLAND.] Lord *A. Hamilton* rose, in pursuance of notice, to move to refer the twelve reports of the commissioners of inquiry into courts of justice in Scotland to a committee of the whole House. The noble lord observed, that so long as ten years ago, his right hon. friend, the member for Waterford, had succeeded in getting commis-

sions appointed to examine into the courts of justice in England, Scotland, and Ireland. But, though the commission, which had been appointed to examine into the Scotch courts had presented several voluminous reports to the House, little or nothing had been done to remove the evils of which they complained. His object in bringing forward his present motion was, first of all to discover, whether government had any proposition to bring forward in furtherance of those reports, and then if they had not, to suggest himself such propositions as he thought were required by the circumstances of the country. When he formerly alluded in his place in parliament to the first three or four reports, which were presented by the commissioners, he was told by the then Lord Advocate, and also by the government, to wait till the whole subject had been under their consideration, and not to attempt prematurely to discover the intentions of government. He had now waited to the full extent of time which had been required of him, and sure he was, that the country would be disappointed at finding that one large portion of this important subject had received no adequate notice, and that another large portion of it had received no notice at all.

He would state to the House, first, what the reports declared ought to be done; and then, what had been actually done; and he trusted, that by that statement he should convince the House that a great deal was still left for it to do. He would likewise show, that the proceedings of government were so slow in executing the recommendations of its own commissioners, that it was absolutely necessary for the House to apply a stimulus to the members of it. Though the bill for the abolition of the inferior commissary courts was a measure recommended to the adoption of government so far back as the year 1808, and though the Scotch judges had repeatedly expressed their concurrence in its provisions, it had not been carried into effect until the year 1823. If this was the way, in which the recommendation of commissioners was to be received, it was nothing else but a mockery to appoint them. Those commissioners had sat for seven or eight years at an expense of 5,000*l.* a year, and had so cost the country about 40,000*l.*; and yet their recommendation had not been attended to, when they proposed to make certain alterations in the Scotch courts,

which would have saved 6,000*l.* a year to the public, and 12,000*l.* a year to the suitors in them. Was such conduct fair, either to the country, or to the individual commissioners? The government had, indeed, made some saving; but he believed it did not amount altogether to 5,000*l.* The commissioners had likewise recommended the abolition of ninety offices; but, if the offices in the inferior commissary courts were excepted, it would be found that not more than fifteen had been abolished.

He did not think it necessary to proceed into the details of the different courts, and should therefore confine himself to mentioning the number of offices to be abolished, without enumerating them more particularly, unless he was forced to such enumeration by any denial on the part of hon. gentlemen opposite. In the court of Session it was proposed to abolish ten offices. Now, three only had been abolished. When he thus found that the recommendations of the commissioners had not been carried into effect, he thought it was fitting that he should appeal from the judgment of his majesty's ministers to that of the legislature. It was calculated that a saving of 6,000*l.* a year would have been effected in this court, if the proposed alterations had been made. The ostensible saving by reductions was, however, only 1,600*l.*; and if from that sum they deducted the addition made to the salaries of the judges' clerks (contrary to the recommendation of the commissioners), it would be found that the entire saving made by his majesty's government amounted to no more than 380*l.* a year. One half of the propositions made by the commissioners appeared never to have been considered; and the result derived from those recommendations which had been attended to were not so beneficial as they ought to have been; since, though expense had been reduced in one quarter, it was increased in another. The next courts were the Commissaries' court of Edinburgh, and the inferior Commissaries' courts. In these courts it was recommended to reduce five officers, but one only had been removed. The total amount of retrenchment in those courts, if the recommendation had been obeyed, would have been 1,800*l.* a-year; but a saving of only 400*l.* a-year had been effected. The next court noticed by the commissioners was the Scottish Chancery. In that court

very great abuses existed with respect to the collection of fees, especially in the director's department, which was executed wholly by deputy. He was not aware that any alteration, conformably with the recommendation of the sixth report of the commissioners, had been made in that court; but he wished to get some insight into the subject from the learned Lord Advocate. The commissioners, in the report he had just mentioned, referred to a very extraordinary charge which was made by the clerk of Chancery under the denomination of treatment money. That charge amounted, in 1816, to 677*l.*; in 1817, to 800*l.*; and in 1818, to 680*l.* The commissioners did not appear to understand on what ground the demand was made.—

He would next call the attention of the House to the Exchequer court. It was recommended, that five offices should be reduced in this court; but, in point of fact, none had been abolished. It was very true, that the situations of one baron of the Exchequer, and of one deputy-remembrancer, had not been filled up when the vacancies occurred; but they ought to be abolished regularly by legislative enactment. He was convinced that the recommendation of the commissioners ought to be fully carried into effect with reference to this court; for no doubt could be entertained that four barons were amply sufficient to perform all the duties connected with it. In this court the saving ought to have been 5,000*l.* but he believed that, in reality, not a single shilling of the existing expense had been reduced. According to the sixth report it appeared, that enormous abuses were found in this court. The king's deputy-remembrancer had got his office secured to him, by patent, for life, while the principal only held his situation during pleasure. So that the deputy existed wholly independent of the principal; independent of any responsibility to which, under other circumstances, he would be liable. And here he could not avoid making a remark on the subject, which was very often brought before the House. He meant the doctrine of vested rights. He would read to the House four or five lines, which would shew what the commissioners thought of that doctrine. In the sixth report, they said, "It is thus, we may remark, that abuse in those matters originates, and is too apt to be perpetuated. An individual succeeds in exacting an

illegal sum for a considerable length of time—his successor pursues the practice which he finds—and thus it goes on, until it is impossible to stop it, and that which was originally wrong, is finally claimed as a vested right." Under circumstances such as these, compensations had been demanded from, and awarded by, this House, for vested interests, which, if the allegations had been properly examined, would never have been admitted. It was recommended to reduce the expense of the court of Lyon to the extent of 1,000*l.* a year; but nothing had been done in consequence of that recommendation. The justice of Peace court was the next which the commissioners noticed; and they recommended an abridged form of proceeding in actions before that court. That recommendation had not, however, been adopted. In his opinion, the small debt jurisdiction of that court ought to be extended to a higher sum. At present the sum was confined to 5*l.* It ought, he conceived to be enlarged to 10*l.*; and he had made up his mind to bring in a bill for that purpose.

He now came to the borough courts; and he believed there never was a subject investigated by that House which required so much revision and reform as the internal state of the Scotch borough courts. He had not been fortunate enough to persuade the House to sanction a measure which he had brought in on the subject; and that which the noble lord had brought in and carried was wholly inadequate to the intended purpose. The reports of the commissioners fully confirmed his assertion, that the internal state of those borough courts required revision and reform. Of sixty of these borough courts, at least one half were liable to the strongest objection. Nothing had been done with respect to them; and he thought ministers were censurable, when twelve reports had been laid before parliament, in abstaining from taking the subject into their serious consideration. There was no uniformity—he might say there was no honesty—of charge in those courts. Many of the charges had been stigmatised by the commissioners as illegal. It appeared that, with respect to the Court of Session, little had been done. No bill had been brought in relative to the Chancery Court. In the Court of Exchequer, the vacancy of one baron and a deputy remembrancer had not been filled up. As to any intended alteration in the Sheriff's Court, the Lord Lyon's Court, the

Justice of Peace Court, or the Borough Courts, he knew nothing. Certainly there was no bill or measure of any description, relative to any of them now pending in parliament. He wished therefore, that the reports of the commissioners should be referred to a committee. They would then hear from the learned lord what could be said in defence of the total neglect of the reforms recommended by the commissioners. The noble lord then moved "That the twelve Reports of the commissioners of Inquiry into Courts of Justice in Scotland be referred to a committee of the whole House."

The *Lord Advocate* said, that as this subject could not be interesting to the majority of gentlemen present, he would make his statement as short as he possibly could. If the noble lord had moved that the twelve reports of the commissioners relative to the fees and emoluments connected with courts of justice in Scotland should be referred to a select committee, to declare what had been and what ought to be done, he could have understood that proceeding; but he was somewhat at a loss to know what the noble lord meant by submitting those documents to a committee of the whole House, although he could perhaps guess at the noble lord's object. The noble lord, it appeared, was anxious that he (the *Lord Advocate*) should defend himself from the charge of having neglected his duty, by not giving effect to the recommendation of the commissioners. Now, he must say, that the noble lord had been for some years most attentive to individuals holding the situation which he had the honour to fill at present; and it was a matter of great satisfaction to him, considering the various duties he had to perform, to find that the only matter of blame affecting him, which the noble lord could bring before the House, was his supposed neglect of the reports of those commissioners. He, however, denied that he harboured any disinclination to carrying into full effect the recommendations of the commissioners. He was not in parliament when the right hon. baronet, the member for Waterford, made the motion, in consequence of which commissioners of inquiry were appointed. He was, however, glad that the proposition had been carried because much valuable information excellent historical accounts of the different courts, and various important recommendations had arisen from the inquiry. Still, however, looking to the whole sys-

tem of the courts in Scotland, it could not be asserted that any thing radically wrong was pointed out in their constitution.

He would now run over the practice of those courts, shortly and generally, but he hoped correctly. Two of the courts which the noble lord had mentioned did not properly come within the instructions of the commissioners—he alluded to the *Lyon Court* and the *Chancery Court*. The situation of *Lord Lyon* was exactly the same in Scotland, as that of *Garret King at Arms* in England. It was the duty of that officer to find arms for those who had not previously borne them, or in whose armorial bearings an alteration was directed. For this service the individual holding the office received certain fees. It was evident, that this was an office under the Crown—an office, the functions of which were exercised under the king's prerogative; and he felt that it was not competent for him or others to interfere with it. When he learned that an interference was meditated, he sent down an injunction, as he was bound to do, to prevent it from being carried into effect; as the office was one emanating from the king and not from the legislature. As to the *Scotch Court of Chancery*, it was a mere office. They had, in fact, no such thing as a *Court of Chancery*. It was a mere office, from which certain writs were issued, and in which all charters were recorded. As to the fees of that office, the commissioners reported, that they were not excessive, and that they ought to be continued. The noble lord had stated, that the commissioners found fault that the *Director of the Chancery*, with his clerks, might levy fees to any extent he thought proper: but the noble lord did not tell the House what the commissioners recommended in consequence. They recommended, that at the termination of the existing interests in that office, the officers should receive a regular salary, and the surplus should be paid over to the public revenue. It was not, however, necessary to follow up that regulation; because, by the act of the 51st of Geo. 3., cap. 64, it was directed, that on the termination of the existing interests, a variety of offices should be regulated—that salaries should be given to those performing the duties, and that the surplus should go to the revenue. Amongst those offices were, that of *director of the Chancery*, and the clerk of the *Chancery in Scotland*. Thus, that which the commissioners had recommended

was actually done by act of parliament. When he came into parliament, he had found those reports before the House, and he immediately took measures to carry the recommendation of the commissioners into effect. With respect to the Court of Session, an act was introduced by him, which was deemed sufficient to carry into due effect the intentions of the commissioners. If some offices were not abolished, it only showed that, on mature consideration, it was not thought right to do them away, under existing circumstances. The noble lord, in mentioning the court of Exchequer, had admitted that certain offices in that court had not been filled up. So far, certainly, the recommendation of the commissioners had been complied with. As to the fees taken in that court, the 5th of queen Anne expressly declared, that "no officer shall demand higher fees than are authorized by the barons, and if any person shall exceed the fees fixed by the barons, right shall be done to the party complaining, and the offender shall be punished by fine or suspension from office." Now, in consequence of the recommendation of the commissioners, the court had gone over all those fees, and had regulated every one of them. With respect to the court of Justiciary, it had by the act of 1617, a right to regulate its own fees. Like the court of Exchequer, the judges of that court were authorized to declare what fees should be taken.

He would next come to the Commissary courts, with respect to which a bill had been brought into the House last session, and the opposition of the noble lord opposite, and of his friends, to that bill, would not be readily forgotten. Really, the individual who filled his (the lord advocate's) situation stood in an enviable predicament! If he proposed new measures, he was resisted at every step; and if he abstained from proposing new measures, he was charged with neglect of duty. The bill which he had introduced last year upon the subject of the Commissary courts, had gone to abolish, at once, three-and-twenty patent places, all of them in the gift of the Crown; and yet that bill—brought in by an officer of government—had been divided against, even on the third reading. He was happy, however, to find, that whatever treatment the measure had experienced in that House, in Scotland it had been received with gratitude, and welcomed as a boon.—With respect to the Sheriff's court, it would be

recollected, that he had deferred bringing in a bill, in consequence of a recommendation from the upper House, in favour of a commission generally upon the courts of justice in Scotland. That commission had reported, but the report was not yet in the hands of members. As regarded the state of the Sheriff's court, however, the fact would be found to be this: in the Sheriff's court, during the last year, fifty-two thousand causes had been tried, which, as compared with the business of the court of Session, was in the proportion of one hundred and seventeen to one; and the commissioners recommended, in their report upon the subject, that the practice of the court of Session should be assimilated to that of the Sheriff's court as much as possible.

The hon. and learned lord then proceeded to notice the recommendation of the commissioners, as to an alteration in the jurisdiction of justices of peace in Scotland. At present, the justices had jurisdiction in cases of debts under 5*l.*, and the noble lord opposite had given notice of a motion, to extend that jurisdiction to debts of larger amount. Opinions were something divided as to what should be done in this matter. Some persons thought that the power should extend to debts of 15*l.*; others thought that it should go only to 10*l.*; and others were for letting it remain as it was, at 5*l.* There were circumstances to be considered both ways. No doubt, the cheap and speedy recovery of small claims was an advantage; but, carried too far, it led to indiscriminate credit, and to the imprisonment of men for debt who ought to have paid ready money. Out of 212 persons confined for debt in Edinburgh—the total number confined within the last year—132 had been confined for claims under the sum of 5*l.* The justices, too, were empowered at present to decide these claims without a jury, and not according to law, but according (in the words of the authority) to "equity and good conscience." This might do very well in disposing of small stakes, but it would scarcely serve in the settlement of large ones; and for this, and a variety of other reasons, he thought the jurisdiction in debts above 5*l.* would be most conveniently lodged in the court of the sheriff: the justices having, in the last year, disposed of 8,700 causes, had already, as it would seem, as much work on their hands as they could dispense with; and as for himself, he should resist the noble

lord's motion; therefore, when ever it came before the House, and move for the appointment of a committee upon the question. But, if he was unwilling to add any thing in the way of civil duty to the business already performed by the justices, there was a right of which he was most anxious to see them in the exercise. Whenever any step was to be taken with respect to arranging the administration of criminal justice in Scotland, it ought at once to be remembered—though the fact generally perhaps was hardly known—that the justices of peace in that country did not, in fact, act magisterially. The appointment of the sheriff, and the nature of the duty intrusted to him, took away all necessity for the interference, in criminal matters, of the justice of peace; but he (the lord advocate) was most anxious to take the country gentlemen from that unprofitable state of quiescence. It would be incomparably better, in his view, to give the justice of peace in Scotland, the same power which was exercised by the justice of peace in England; such a course would raise the consequence of the individuals acting (who were well entitled to so much attention), and would, further, very materially expedite the despatch of business. He repeated, that the giving of this additional power to the magistracy would prevent delays which now arose constantly from all the press of duty lying in one quarter—prisoners detained over from one session to another, and expenses incurred, which a more open course would avoid; and besides, it would awaken the country gentlemen from an apathy which they were inclined to feel upon such matters. At the time of the riots in Glasgow, none of the country gentlemen had come in to offer assistance to the constituted authorities: not from any indisposition, of course, to preserve the peace, or to expose themselves in such discussion; but because they thought the business was one with which they had, by right, nothing to do. But this was not a feeling calculated to aid the safety, or promote the advantage, of a country. Government was entitled, in time of trouble, to look to the country gentlemen for their assistance personally, and by means of their authority and their influence. With this view, it was most desirable that they should be accustomed to take their share in the important duty of administering the criminal justice of the state; and cer-

tainly, therefore, his feeling would be, to refer to a committee that part of the report of the commission which referred to the powers of justices of peace in Scotland. The hon. and learned lord then briefly recapitulated the effect of the arrangements which had been made in the several courts of Scotland, as those arrangements bore, in his opinion, upon the observations of the noble lord, the member for Lanark; and, after trusting that he stood clear, at least of having neglected his duty in the matters referred to, sat down, amidst loud and general cheering.

Mr. *Abercromby* said, he rose hardly for any other purpose than that of expressing his satisfaction at the declaration with which the learned lord had concluded his speech. The learned lord's proposed reform in the manner of administering criminal justice in Scotland was a far greater consideration than the motion immediately before the House; and he most sincerely returned his thanks to the learned lord for the intention. For himself, he had long considered the large jurisdiction held by the sheriffs in Scotland to be a part of the Scottish law most especially requiring revision; because it gave a monopoly to the profession of the law, in the administration of criminal justice, to the entire, and most impolitic, exclusion of the country gentleman; and, what was worse, these high powers being too weighty to be born by the sheriff himself, the country gentlemen, who were deprived of them, had the mortification to see them in fact exercised by the sheriff depute. He did assure the hon. and learned lord, that he had listened with the highest possible pleasure to his suggestion, for increasing the qualifications of the magistrates of Scotland; and with no less, to his objection, that those magistrates should hold the power, in cases of debt above 5*l.*, of deciding without the intervention of a jury. Hearing such opinions expressed from such a quarter, he could hardly entertain a doubt that a further measure of benefit to Scotland—he meant the introduction of the system of grand juries—would at once meet with that reception, to which it was entitled by its importance: and he wished that an instruction to consider the fitness of introducing that measure should be given to the committee for which the learned lord was to move. With regard to the answer which the learned lord had given to his noble friend, he must confess he was

not so well satisfied with that answer, as with the rest of the learned lord's speech. With respect to the court of Session, the commissioners had suggested a saving of 6,000*l.* a-year; the saving effected had been little more than 1,600*l.*; and so great a discrepancy ought to be accounted for. Again, with respect to the court of Exchequer, the learned lord said, that the barons had made alterations.—Certainly, they had made such alterations as to them seemed fit and necessary: but, did it appear that the barons had made the alterations suggested by the commissioners? It was mere waste of time for the House to appoint a commission, if the officers of the Crown could say, "We have done what we think right, and we will do no more." The question was, not—had the barons done that which they considered necessary; but had they done that which the House would consider necessary? For these reasons, he should support the motion of his noble friend.

Lord *Binning* declined following the noble mover through his speech, because he thought it had been sufficiently answered by his learned friend, the lord advocate. He rose for the purpose of thanking the learned lord, for his intention with respect to the magistracy of Scotland; and hoped the hon. member for Calne would not press the grand-jury question into the same inquiry.

Mr. *Hume* admitted that the lord advocate had done more than his predecessors for the Scottish courts; but thought that that admission threw a very heavy blame upon those predecessors. He gave great credit to the noble member for Lanark for his perseverance, and hoped he would press his motion to a division.

Mr. *Kennedy* felt so highly pleased with the intention of the lord advocate, with respect to the Scottish magistracy, that he wished to know whether it was meant to be proceeded with in the present session,

The *Lord Advocate* said, he had not made up his mind whether he would pursue the suggestion which he had thrown out in this session or the next. He must first know a little of the feeling of the profession in Scotland upon the subject.

Mr. *Abercromby* protested that from the manner of the learned lord, he had doubted whether he would not move for the committee before the House adjourned. The case was very much changed indeed, if the matter, which he had been looking

upon as certain, was only something which had passed through the learned lord's mind. On his side of the House, the impression had been, that the learned lord's intention was absolute; but the value of his speech was at least diminished one half by his explanation.

Mr. *W. Courtenay* had felt much satisfaction at hearing the declaration of the lord advocate, and conjured him not to allow any thing to divert him from prosecuting his view. There might be, and would be, a division of opinion in Scotland upon the subject; but the view of the learned lord himself was decidedly the enlarged and the liberal one.

Sir *R. Fergusson* said, that the lord advocate's speech had deceived the greater part of the House. Certainly, it had been understood that he meant to move for an immediate investigation. But, as the learned lord said, that he wished to consult the feelings of his countrymen upon the question, he begged to know who the parties were whom he wished to consult, and how and when their opinions were to be ascertained?

Mr. *K. Douglas* said, that the measure which his learned friend proposed to introduce was one of great importance, and deserved the greatest consideration. If the learned lord could introduce the measure during the present session, he no doubt would do so; but if, on the other hand, the learned lord should find that he could not press the measure, the House, he trusted, would not withdraw their confidence, but would leave in his hands a question, which he had no doubt would be treated by the learned lord with all the consideration which its importance claimed.

The *Lord Advocate*, in explanation, stated it to be his intention to go on with the inquiry, but would not pledge himself as to the time.

Lord *A. Hamilton* in reply, expressed his surprise at the reluctance of the learned lord, after ten years of indecision, to fix the time. He took that opportunity of justifying his own parliamentary conduct from the aspersions of the learned lord. One assertion of the learned lord was most unjustifiable, and altogether unfounded. The learned lord had charged him with running away from his own country, at a time in which danger was expected from a general rising. This had been put forward in a newspaper, under the immediate sanction, if not di-

rection, of the learned lord, in which there was no slander, however false and absurd, that did not find a ready access to the public. The real facts were these. He had delayed his departure for England from his own country, which was also the country of the learned lord, in consequence of notices which were received from the government of an intended general rising. No such event occurred then, though it did afterwards; and he had therefore made his way to Edinburgh, where he inquired for the learned lord, in order to ascertain the real state of affairs. He found that the learned lord was busily engaged in the pursuit of his own political game—he was canvassing for votes; as the general election was at hand. He then called at the office of the Solicitor-general, and found that gentleman as busily occupied as the learned lord, and in the self-same pursuit; so that here was an actual running away of these two learned persons. He then called at the office of the Commander-in-chief, and there he was told, that they had received information of a general rising, but that it had been repeated so often that they began to laugh at it. And these were the grounds upon which he had been accused of running away, by persons in the department of the learned lord, who had heaped upon him the grossest slanders, and the most abominable falsehoods; alleging, in one instance, that the only person executed in the subsequent riots, was a particular friend of his, and that on searching his papers, two letters in his (lord A. H's) hand-writing had been discovered, the whole of which was to be found in a newspaper which was supported and owned by the learned lord and ten other official gentlemen. He believed that there was not one man in the country, and he was certain that no member of that House, would continue to put faith in such calumnies, which they saw were refuted by the most simple reference to the facts.

The House divided—For the motion 76. Against it 124. Majority 48.

List of the Minority.

Abercromby, hon. J.	Buxton, T. F.
Allen, J. H.	Calvert, N.
Althorp, visc.	Campbell, hon. G. P.
Baring, sir Thomas	Clifton, visc.
Barnard, visc.	Colborne, N. W. R.
Bennet, hon. H. G.	Corbet, P.
Benyon, B.	Creevey, T.
Bernal, R.	Crompton, S.
Bentinck, ld. W. H. C.	Cradock, S.

Denison, W. S.	Philips, G. H. jun.
Ebrington, visc.	Pym, Francis
Ellis, hon. G. A.	Rice, T. S.
Farrand, R.	Robarts, A. W.
Fergusson, sir R.	Robarts, G. J.
Fane, J.	Rumbold, C. E.
Graham, S.	Rickford, W.
Guise, sir B. W.	Scott, Jas.
Haldimand, W.	Sebright, sir J. S.
Hobhouse, J. C.	Sefton, earl of
Honywood, W. P.	Smith, J.
Hume, J.	Smith, Wm.
Hutchinson, hon. C. H.	Smith, Robert
Jervoise, G. P.	Stuart, lord P. J. E.
Johnstone, W. A.	Sykes, D.
Lambton, J. G.	Taylor, C. M.
Leycester, R.	Taylor, M. A.
Leader, Wm.	Townshend, lord C.
Maberley, W. L.	Tierney, rt. hon. G.
Macdonald, J.	Warre, J. A.
Mackintosh, sir J.	Wharton, John
Marjoribanks, S.	Whitbread, S. C.
Martin, John	Whitbread, W. H.
Milton, visc.	Wilkins, W.
Monck, J. B.	Williams, Wm.
Moore, Peter	Wood, Matthew
Newport, rt. hon. sir J.	Wrottesley, sir J.
Nugent, lord	
Palmer, C.	
Palmer C. F.	
Pares, Thomas	

TELLERS.

Hamilton, lord A.
Kennedy, T. F.

SETTLEMENT OF THE POOR BILL.]

Lord Althorp rose to move for leave to bring in a bill to abolish Settlement by hiring and service. The noble lord referred to the great evils which prevailed at present from the facilities given for procuring settlement by hiring and service. Though the weight of this grievance was sometimes averted by hiring for 51 weeks and by other devices, yet these cases were met by the judgment of courts, which frequently made the contract void. It might safely be asserted, that a change in the law was necessary, were it only to cut off the enormous and expensive litigation which sprung out of this particular claim of settlement. Another evil arising out of the law, as it now stood, was the difficulty which a poor man found in getting work out of his own parish. This would be, in a great measure, removed by his bill. At the same time, he was aware that some evil must arise from any change. It was, therefore, on a balance of the advantages and disadvantages, which he thought to be decidedly in favour of his plan, that he took leave to propose the present motion.

Colonel Wood said, he did not mean to oppose the motion for leave to bring in the bill, but, as an isolated measure, he

could not help feeling that it must be attended with considerable difficulty. If the bill should be brought in and go to a committee, he would propose a clause to obtain for the poor a mode of gaining a settlement which the noble lord had not provided in his plan. The mode he would propose was, to give a settlement to all persons who paid poor-rates, in the parish in which they had paid them. As the law now stood, no person could obtain a settlement who did not pay rent to the amount of ten pounds a-year; but he would have the right allowed, without any consideration of rent whatever. It was his intention to have introduced a bill founded on the resolutions which he had proposed last year; but having consulted the opinions of the great manufacturing towns, he found them so averse to the plan, that he feared it would be impossible to carry the measure. The great grievance which the agricultural parishes had to contend with was, that their people were enticed away to the large manufacturing towns. There the young women were seduced and impregnated; and then they were sent back, and became incubrances upon their former parishes.

Mr. *Cripps* observed, that more litigation was occasioned by the claim of hiring and service than by any other ground of settlement, and as far as the noble lord's measure operated to remove that cause of dispute, it was likely to have a beneficial effect. He thought the fairest principle was, that the parish which had enjoyed the labour of the pauper should have the *onus* of his support when he could labour no longer. His great fear was, with respect to the noble lord's bill, that, as it went on birth and the paying of poor-rates, it would appear still more objectionable to the manufacturing towns, than the bill intended to have been brought forward by his hon. friend.

Mr. *Lockhart* approved of the bill, because it went to encourage residence, and to cut off one great head of litigation, which now thrived upon the uncertainties of settlement by service.

Leave was given to bring in the bill.

SALMON FISHERIES.] Mr. *Kennedy* rose to move for a committee to inquire into the existing laws relating to the Salmon Fisheries. The importance of the interests which were connected with it, and the number of petitions which had been presented to the House, sufficiently

proved the necessity of such an inquiry; and he had no doubt that, conducted as it would be, it would establish every private right, while it would protect the public interests. The reason for preserving these fisheries was, to secure a supply of the valuable and peculiar food they produced. They had been an early object of the care of the Scottish parliament; by an enactment of which, so long ago as the year 1424, the violation of their privileges was punished with no less a penalty than loss of life. It was obvious, that a law of such a date must partake of the barbarism of the age; but it continued with little change, up to the reign of queen Anne, when the existing laws were ratified and confirmed. That these laws needed revision, it was only necessary to refer to the state of decay in which many fisheries, once valuable, were at present; and to the fact, that many of them were completely destroyed. If the committee should be granted, there were three main points to which its inquiry would be directed. First, an investigation, which was no less curious than important, into the natural history and habits of the salmon. Upon this point, though little had hitherto been understood, a very considerable quantity of information might now be procured. The second object of inquiry would be, into the different modes of fishing which had been introduced at various times, all of which were under the sanction of the law; but some of which he was authorized in saying, were highly injurious to the public interests. It would also be for the committee to say, whether some of the old modes at present prescribed, might not be advantageously revived. The third topic would embrace an inquiry into the policy of the ancient and existing laws, as they affected the preservation of private and public rights. He was of opinion, that it would be impossible for the committee to come to a final decision in the course of the present session. He thought, therefore, that if they should report to the House the evidence they would be enabled to collect during the session, the parliament would be in possession of the subject; and then, if the committee were revived in the following session, it would be in their power to recommend some wise and salutary measure for the preservation of the fisheries. He concluded by moving, "that a select committee be appointed, to inquire into the state of the salmon fisheries of Scotland and of the

United kingdom, and the laws affecting the same, and to report the minutes of the evidence given before them, from time to time to the House."

Mr. C. Grant agreed, that this subject was a more important one than it might at first sight appear to be. With it, however, were connected many private rights of a very ancient date, which ought to be kept sacred. The persons holding these private rights, which in Scotland were all derived from royal grants, entertained some apprehensions, lest the proposed committee should recommend an infringement of their privileges. He was satisfied that the hon. mover had no such intention, and he thought there was no ground for such apprehensions. It was a notorious fact, that the supply of fish in the rivers of England and Scotland had considerably diminished, and this was of itself sufficient to recommend a parliamentary inquiry, not for the purpose of violating any existing right, but to exclude certain injurious modes of fishing. He perfectly concurred with the hon. mover as to the expediency of such a committee.

The committee was then appointed.

NEW CHURCHES.] Mr. Arbuthnot having moved for leave to bring in a bill for the sale of stock and other purposes relating to the land revenue,

Mr. Grey Bennet begged to take that opportunity of inquiring the name of the architect under whose directions the new church in Langham-place was constructing? Every body who saw it shrugged up their shoulders, and inquired who could be the architect who invented such a monstrosity? Rumours had gone abroad and several persons had been mentioned as the authors of the plan; and it was but fair, using a vulgar proverb, to place the saddle upon the right horse. He should like also to hear what this mass of deformity had cost. For one, he was resolved not to pay willingly a farthing towards its erection; on the contrary, he should be glad to see it referred to a committee to inquire into the propriety of pulling it down, and for that object, though he was not rich, he was not unwilling to subscribe a fair proportion of the expense. Among the many deplorable objects of the kind in the metropolis and its neighbourhood, this was the most melancholy departure from the rules of good taste that he had yet seen. The spire was only to be compared to an extinguisher on a flat candle-

stick. He had looked at a great number of new churches, and they seemed to vie with each other in deformity. They seemed to proceed from bad to worse; and the faults were multiplied with each successive effort. The architects seemed to strive with each other, how to produce an edifice unlike any thing that had ever been seen before, as if they wished to surprise the world with a new order of architecture, most purely absurd and most truly British. The good sense and good taste of the public were disgusted in every quarter; and there was hardly a man in the community (excepting the architects employed) who did not join in one opinion upon the subject. Even the common people looked up with astonishment at the edifices, wondering who were the asses that planned them and the fools that paid for them.

Mr. Arbuthnot begged to assure the hon. gentleman, that he was not at all responsible; he disavowed any connection with the church in Langham-place and admitted that it was not the most ornamental in the metropolis. But if the new street built under the auspices of his right hon. friend was looked to as a whole, he apprehended that a general charge of bad taste could not be established. The church in question certainly would be better away, but it might not be easy to remove it. He would rather not name the architect [cries of name! name!]. If he were required to give up the architect, he must say that the church was built according to the plan of Mr. Nash. He might be allowed to add, that if this building was not very creditable to that gentleman's taste, there were many others in its neighbourhood that were eminently so.

Mr. Huskisson said, that up to that hour he had never seen the church in question, and was consequently not prepared to offer any opinion as to the good or bad taste or design. Neither had he inspected the plan, which he concluded had been submitted to the commissioners and adopted by them.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Wednesday, March 31.

USURY LAWS REPEAL BILL.] Mr. Ellis presented a petition from the chamber of commerce in Dublin, setting forth,

"That the petitioners have observed

with great satisfaction the bill now before the House to repeal the existing laws against usury; that the petitioners are convinced that very erroneous opinions have prevailed with respect to the operation of these laws, and that their real tendency is, to aggravate the evils they were designed to remedy; so far from regulating the relations between the lender and the borrower on just and salutary principles, they only serve to encourage a recourse to evasive expedients, ruinous in numberless instances to both parties; to the lender in the risks his cupidity tempts him to incur, and to the borrower, forced into circumstances which render him in a yet greater degree the victim of extortion; thus the law that affects to interpose for the benefit of the necessitous man, only tends to confirm his subjection, to deepen his difficulties, and by its fatal protection, to precipitate his ruin; that the usury laws, mischievous in their evasion, are also mischievous in their observance; to establish under penal sanctions a fixed standard for the use of money, which, like other commodities is liable to perpetual fluctuations in value, can have no other effect than to divert it from the beneficial purposes to which it would otherwise be certainly applied, and to prevent the intimate connexion between capital and industry so conducive to the advantage of both; on the one hand it tends to diminish the usefulness by obstructing the circulation of capital, and on the other, to deprive industry of pecuniary aids, which, if adapted to its exigencies, and acquired without undue sacrifices, could not fail to give new vigour, and a wider field for its operations, while they would in numerous instances be the means of averting the irremediable ruin of which a temporary pressure is the occasion; that the laws in question are directly at variance with the enlightened policy which the wisdom of the House has so distinctly recognized, and so beneficially applied, as the rule of legislation; the policy founded upon the principle, that to liberate private interests from legislative interference, and to leave them, as far as practicable, to the discriminative management of the individual, is the most effectual means of providing not only for their advancement, but their security; that the petitioners beg leave to add, that at a period when the market rate of interest is so much under the legal rate, an opportunity is presented for accomplishing all the objects

of this great measure without the hazard of incurring even the temporary inconvenience which is sometimes found to attend the movements of improvement; may it therefore please the House to proceed to the total and immediate repeal of the existing laws against usury."

Sir *H. Parnell* spoke to the respectability of the petitioners, and to their ability to judge upon this question. He hoped that the House would attend to the strong arguments which the petition contained.

Mr. Alderman *Heygate* did not at all acquiesce in the doctrines of the petition. Among the landed interest the greatest alarm prevailed upon the question; and the further the bill proceeded, the more its opponents multiplied.

Mr. *Curwen* said, he should oppose the measure.

Mr. *Sykes* said, that the opposition to the measure must proceed upon the apprehension, that the rate of interest would be increased; but he was satisfied that any such fear was totally unfounded.

Sir *T. Lethbridge* was of opinion, that the effect of the bill would be, to place borrowers at the mercy of lenders.

Mr. *Philips* supported the change of the law, disputing the assertion of the hon. alderman, as to the increase of the opponents of the bill. There never had been such a coincidence of testimony among intelligent men, as upon this question. They all agreed that the existing laws were injurious both to borrowers and lenders.

Mr. *Grenfell* was convinced that, even as the law now stood, money could never be obtained at a lower rate of interest than it was worth.

Mr. *T. Wilson* argued, that such an alteration ought not to be made but at the request of the landed interest. Whenever other persons were paying 5 per cent. landed proprietors would be obliged to pay 7 per cent. The repeal of the present law would be beneficial to Ireland.

Mr. *D. Gilbert* said, that the passing of the bill before the House would be highly advantageous to the landed interest.

Sir *E. Knatchbull* observed, that money could not now be obtained on mortgage, at a less rate of interest than $4\frac{1}{2}$ per cent.

Mr. *Monck* remarked, that money on mortgage bore a higher rate of interest than money advanced on good bills, be-

cause it was exposed to the risk of a chancery suit, and could not be obtained again immediately on its being wanted.

Ordered to lie on the table.

BURIALS IN IRELAND BILL.] Mr. *Hutchinson* presented a petition, which, he said, he offered with pain and regret. It prayed, that the bill which had been brought in by the Attorney-general for Ireland, respecting the right of burial of the Catholics, might not pass into a law. He felt regret, because, whatever were the defects of the bill, if defects there were he had no doubt of the kind intentions of his right hon. friend, and of the Irish government on this subject; and he felt it his duty, as an Irish gentleman, to say that he considered Ireland deeply indebted to lord Wellesley for his unceasing anxiety to promote the welfare of Ireland, and that he was persuaded that if his excellency's administration had not succeeded to the extent of his excellency's wishes in restoring peace and quiet, it was not for want of his earnest exertions. The petition was from Mr. Devereux, a Catholic gentleman of great fortune, of the county of Wexford; and Mr. Eneas Macdonald, of the county of Mayo. It prayed that the bill might not pass into a law.

The petition was then read, setting forth,

"That the Petitioners have read the draft of a bill now before the House, for repealing a certain act, and making certain provisions therein specified, with respect to the burials in Ireland of persons dissenting from the Established church; that it is truly stated in the said draft, that the easement of burial in the church-yards of Protestant churches has been long enjoyed by all classes of his majesty's subjects; that no injury or inconvenience affecting the rights, interests, privileges, or prerogatives of the established church, or of the ministers thereof, at any time resulted, or is now alleged to have resulted from such practice or enjoyment in Ireland; and the petitioners further humbly submit, that they are sustained by the said bill in the position that such practice is also justifiable in principle, for the professed object of that bill is, to provide that all classes of his majesty's subjects may be permitted to have the said easement of burial according to the rites of the several religions professed by them; that although the prin-

ciple of toleration is thus distinctly recognized in the terms of the said bill, nevertheless its provisions not only render such principle inoperative, but introduce new enactments more intolerant and obnoxious than those which they affect to remedy; that the operation of the said bill, if passed into a law, would be, to tempt and excite the clergy of the established church to the exercise of an odious jurisdiction, to taunt the great body of the people of Ireland, both lay and ecclesiastical, daily and hourly upon the degradations to which the law proscribes them, on account of their professing the Catholic faith, to produce constant and immediate collision between the clergy of the different communions, and to increase that spirit of disunion and discontent already so perniciously prevalent in Ireland; that the provisions of the proposed law would apply in a particular manner to the city of Dublin, inasmuch as the burials in that city are generally had in the church-yards of Protestant churches; that no inconvenience had resulted from the practice of free burial, as it existed in that city prior to the appointment of the most reverend Dr. Magee as archbishop of the diocese; and the petitioners humbly submit to the consideration of the House, whether it can be esteemed a just or reasonable regulation to subject the enjoyment or dispensation of such a right to the caprice of the very same individuals whose proceedings respecting the same matter have rendered necessary any application for the interposition of the legislature; the petitioners are unwilling to trespass on the House with a detailed reference to the manifold inconsistencies and insufficiencies of the said bill, they are more anxious to solicit the attention of the House to the illiberal and impolitic principles which it tends to establish, nor can they disguise the sentiments of regret and disappointment with which they are impressed on observing that its first necessary consequence would be, to pronounce, by implication, the sanction of the legislature for proceedings which have been universally condemned by every liberal and enlightened mind, by declaring, as is insinuated by the said bill, that such proceedings were indispensably unavoidable, according to the existing law; the petitioners, therefore, most respectfully suggest, as a course more suitable to the high office of parliament, and to the importance of the sub-

ject, and the real merits thereof, and also more likely to remedy the evils lately created, that inasmuch as it is admitted, that the practice of free-burial has long existed in Ireland, without any injury or inconvenience, and the principle thereof is distinctly recognized and professed, the legislature may, in its wisdom, directly establish such right by positive enactment, instead of transferring its own jurisdiction or control to other persons, or making provisions, avowedly unnecessary, but directly tending to the perpetuation of the most prejudicial collision and contest, without effecting, or even professing to seek, any one countervailing benefit or advantage; and it is further most humbly submitted, that if it shall be considered necessary, provisions may be made at the same time, to prevent the use of such rites of burial in any Protestant church-yard during the performance of divine service in the church situated therein; the petitioners for these reasons, among many others, humbly pray the House, That the said bill may not be passed into a law, but that such measures may be adopted in the matter as may protect the public feelings from the offensive interposition of inconsiderate fanaticism, or more furious intolerance."

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, April 1.

COMPLAINT OF THE ABSENCE OF THE ATTORNEY GENERAL FROM THE ISLE OF MAN.] Mr. Curwen, in rising, according to notice, to move for a copy of the appointment of the Attorney-general of the Isle of Man, said, that he was not at all influenced by any personal or local feelings, and that his only object was, to procure an equal administration of justice for all parties. The hon. member then went into a detail of the grounds of his motion. He said, that an opinion of the attorney-general of England, in 1789, had recommended, that the attorney-general of the Isle of Man should always be taken from the English bar; an opinion, of which every one who considered the situation of the Island would acknowledge the justness. The governor and lieutenant-governor of that Island sat under their commissions in the court of Chancery, and the attorney-general acted as their assessor. It was, therefore, of the utmost importance that a person should

hold that situation who could render the governor such assistance as he could confide in, and whose decisions would not be suspected of the local partialities and prejudice, which must almost necessarily be imputed to an officer from the Manx bar. In criminal justice the duties of the attorney-general were equally important. All the prosecutions in the island were instituted by him alone. He, assisted by a jury of six, heard the evidence, and he finally sat as one of the judges to affix the punishment. It was not to be supposed that any Manx-man could perform duties such as these to the satisfaction of all parties in the Island. Accordingly an attorney-general had been appointed from the English bar, and, in 1816, his salary was increased from 300*l.* to 500*l.* a-year, the additional 200*l.* being given on the condition of his residing in the Island. In point of fact, however, the attorney-general had not so resided. He only repaired there on a few great occasions, and the business was ordinarily performed by a deputy from the Manx bar, and liable to all the objections against which the appointment of a gentleman from the English bar was intended to guard. It might be said, that a gentleman from the English bar would not accept the office, if the condition of residence were enforced. But the residence of a proper attorney-general was so important to the island, that it would be worth while to pay a larger salary, if his residence was thereby enforced. There was a surplus revenue in the isle of Man, which the government had not applied; and it was therefore to be presumed, that it was to be considered applicable to insular purposes. A salary of 1,000*l.* or 1,500*l.* a-year, would be well bestowed, to secure an object which nearly affected the 40,000 persons residing in the island. He should take occasion to notice an imputation which the right hon. secretary's speech on a former occasion seemed calculated to cast on him (Mr. C.), namely, that he had applied for the appointment of one of his sons, who had been named by the right hon. gentleman, a judge in the island. He had sat thirty years in that House, without asking a favour from the right or the left, and he certainly had not deviated from his practice in the case referred to. He concluded by moving for "a copy of the memorial of the House of Keys, complaining of the absence of the attorney-general from the Isle of Man;

and also a copy of the appointment of that officer."

Mr. Secretary *Peel* said, that the course taken by the hon. member had not a little surprised him. He had moved for papers, which he (Mr. P.) had not the least objection to produce, and, before they were produced, he had entered into details on the subject, which shewed how little value he attached to the papers called for. The hon. member had, however, thus rendered it necessary for him to say a few words on the subject. The question was, what was the best arrangement for the appointment of attorney-general for the Isle of Man. The hon. mover admitted, that the attorney-general should not be an individual from the Manx bar; and indeed it was clear to every one that, with the important functions he had to perform, it was most desirable that he should be a lawyer versed in the liberal principles of English jurisprudence; which nothing but practice in the English courts would give. Being agreed on this point, in what way should they proceed? He must say, that in an island with so limited a revenue as the Isle of Man, expense was a material consideration, and though the hon. member was very liberal in his proposal of giving 1,000*l.* or 1,500*l.*, he thought the present arrangement was not only less expensive but better. The present attorney-general, Mr. Clarke, was appointed in 1816. He was recorder of Liverpool, and, in that capacity, tried as many criminal cases as any Judge of the kingdom, and should be, and in fact was, competent to much higher functions. As attorney-general of the Isle of Man he had 400*l.* a year [Mr. Curwen, "500*l.*"]. The nett income he received was 400*l.*, as 100*l.* was paid to an individual in the Island, for performing the duties in his absence. Mr. Clarke was appointed because he was recorder of Liverpool, and because, after attending the Liverpool sessions, he could repair to the Island with less inconvenience than any other individual of equal eminence. The stipulation under which he was appointed was, that he should repair to the island as often as the public duty required; and in the last twelve months that very eminent individual had repaired thither three times. In one instance there was the rare case of a trial for murder, which it was necessary the attorney-general should conduct in person. In the second case, there was corruption imputed to a judge, which he had referred

to the council of the Island. On that occasion Mr. Clarke went to the Island; and he was sorry to say that such impropriety of conduct was proved against a Judge, that he had thought it necessary to advise his majesty to remove him from the office. The hon. member had stated him to have imputed to the hon. mover, the having made an application for the appointment of his son. He could readily acquit the hon. member of any such imputation. The son of the hon. member was the candidate who appeared to him best qualified for the office. On that account he (Mr. P.) had recommended him for the appointment; and he only mentioned the fact, to shew that, at least in that appointment, party motives could have nothing to do. Returning to the appointment of the attorney-general, he contended, that they could not find any one to reside in the island for 4 or 500*l.* a year; and if they could, it would not be advisable to get him. They could not even suppose that a gentleman of Mr. Clarke's eminence would go to the island three times a-year for 400*l.* In fact, money happened to be a subordinate consideration with him; and from the extent of his private fortune, he could afford to make the sacrifice. Why, then, should they displace him? In this, as in every capacity, he performed his duties in an exemplary manner. He had himself received the greatest assistance from him, with regard to the internal legislation of the Island. The sheriffs in Scotland, who were most important officers, were dispensed from residing in their counties more than four months in the year; it being deemed more desirable, that they should practise in the courts of Edinburgh, and thus keep up their knowledge of the law, while they exercised a control over their subordinate officers. If a vacancy occurred (and he hoped sincerely there would not) in the office of attorney-general of the Isle of Man, he should make the best arrangement he could with the candidates who presented themselves; but he thought the manner in which the office was at present filled, left nothing to be desired, and much to be apprehended from a change.

Mr. *Hume* said, that his hon. friend had not intended to blame the government for the system at present adopted; but he thought that the conditions on which Mr. Clarke got his appointment should be fulfilled by that gentleman, as

long as he chose to hold the office. One of those conditions was, that the attorney-general should reside on the island; and he was in consequence to have an addition of 200*l.* a-year, to the 300*l.* a-year enjoyed by his predecessor, making his salary 500*l.* a-year. But, though he received the salary, he did not reside on the Island.

Mr. Peel asked the hon. member, how it was possible that residence in the Isle of Man could be made an indispensable condition of Mr. Clarke's holding the situation of attorney-general, when it was notorious, that he had duties to fill at Liverpool as recorder?

General Gascoyne said, that before Mr. Clarke held the office of attorney-general for the Isle of Man, it had always been considered a sinecure. The salary had, however, been recently increased, in order to obtain the occasional residence of that officer, which had been recommended by lord Sidmouth. Now, Mr. Clarke, from residing in Lancashire, was at no great distance from the Isle of Man, and was always willing to repair thither, whenever he thought his presence would be advantageous.

Mr. Huskisson said, that the statement of his right hon. friend, as to the mode in which the duties of the office were executed, rendered it unnecessary for him to make a single observation. He would observe, however, that, in point of principle, he thought it desirable that the attorney-general should not reside personally on the island, as it excluded the possibility of that officer mixing himself up with the party differences, which prevailed in the island. If the office were to be vacant to-morrow, he would rather give it to a person of professional eminence, who might go occasionally to the island, than to a person who might be willing to accept it on the condition of permanent residence.

Mr. Curwen, in reply, said, he should not have troubled the House with any observations; had he been aware that the right hon. gentleman would have assented to his motion, but as he had not felt secure of that assent, he had thought it necessary to lay before the House the grounds on which he deemed himself entitled to the production of the papers. He by no means meant to say that a salary of 400*l.* was too much for a man of Mr. Clarke's abilities; but he certainly believed, that the addition of 200*l.* had been granted on

the express condition of a constant residence in the island.

The motion was agreed to.

PLYMOUTH BREAKWATER.] Mr. Hume moved for a return of the expences of the establishment of the Breakwater at Plymouth, specifying the salary paid to each person employed, according to the last return. He understood that the sums expended had been less and less every year; and there could be no necessity therefore for keeping up the establishment on the same scale as when the expenditure amounted to 100,000*l.*

Sir G. Clerk said the expences of this establishment had been reduced to the lowest possible scale. He was sure the House would not think there had been any improvidence in the management of the funds for this great national work, when he stated that it was likely to be completed at a sum less by 200,000*l.* than the original estimate.

Sir I. Coffin said there had never been a work of so much importance conducted in so economical a manner. It had completely answered the public expectations; for one of the most unsafe anchorages with which he had been acquainted, had now become a perfect mill-pond. Ten thousand advantages had accrued from this great national undertaking, which had never been contemplated; and if it had cost half as much as the national debt, he should not have grudged it.

The motion was agreed to.

LEGACY DUTY.] Mr. Hume rose to call the attention of the House to a branch of the revenue which, though small in amount, was the source of great trouble and vexation to the persons on whom it was levied. He alluded to the legacy-duty on sums which did not exceed 100*l.* He was satisfied that the whole system of the legacy duties ought to be re-examined, and undergo a complete revision. At all events, an alteration ought to be made with respect to that portion of the duties which affected individuals possessing but little property. It appeared, from a return which had been laid on the table of the House a few days ago, that the duties on probates, administrations, and inventories in England and Scotland amounted to 1,800,000*l.* and that the portion arising from the duties on sums under 100*l.* was by no means great, compared with the vexation and trouble they occasioned to

the class of persons on whom it was levied. In one instance, the expense of obtaining probate on a property of 106*l.* amounted to 14*l.* being more than 14*l.* per cent.; in another case, the bill of charge for obtaining probate on a sum of 55*l.* amounted to 4*l.* 14*s.* 6*d.* He felt satisfied, from the disposition which the chancellor of the Exchequer had shewn to extend relief to those classes which suffered most from taxation, that he would be disposed to remit, at least this part of the legacy duties, when he came to investigate the subject. He begged to suggest to the chancellor of the Exchequer, a mode of giving this relief to the public without affecting the amount of revenue. He would be enabled to do this by discontinuing the system of allowing the enormous discount of 30*s.* per cent to proctors. In one case, a discount of between 40 and 50*l.* was allowed on a single bill: the proctor having no other trouble than that of sending to the Stamp-office. In another case the discount amounted to 90*l.* He recommended the chancellor of the Exchequer to establish an office in Doctors' Commons, from which, at an expense of 400*l.* or 500*l.* a year, all the stamps required for this department might be issued. If the public suffered great inconvenience in this country, from the legacy duties on sums under 100*l.*, the inconvenience derived from this source was even still greater in Scotland. He had a letter from a magistrate in Scotland, in which it was stated, that so strict were the officers in requiring an exact account of the goods left by the deceased that they would insist on a man's old night cap and slippers being included in the inventory of the goods which he left for his widow and children. Whilst he was upon this subject, he could not help calling the right hon. gentleman's attention to a hardship which he thought ought to be remedied as speedily as possible. If a man died, leaving property to the amount of 1,000*l.* and debts to the amount of 950*l.*, his executors were obliged to pay the stamp duty, not upon the 50*l.*, of which he was really possessed, but upon the 1,000*l.*, which was in his custody at the time of his decease. It was true that, under such circumstances, this duty was afterwards returned, if application were made for it to the proper quarter; but he understood that the application was seldom made; in consequence of the trouble with which it was attended. After some further remarks on the grievances to which

the poorer classes were subjected by the enactment of legacy duties, the hon. member concluded by moving for a return "of the total amount of revenue received in the united Kingdom for stamp duties on legacies, probates, administrations, and testamentary inventories, for sums not exceeding 100*l.*, in the year ending the 5th of January 1824; distinguishing the amount in England, Scotland, and Ireland."

The *Chancellor of the Exchequer* said, he had no objection to the motion. As to the other points to which the hon. member had alluded, he did not know that he could give him any answer, that the hon. gentleman would consider satisfactory. He had lately looked with some attention at the subject of stamps, and particularly at that part of it which involved the legacy duties. He had not, however, been yet able to satisfy himself, as to what he could and ought to do by way of relief. He admitted that the matters to which the hon. member had alluded deserved his most serious attention; but in saying so he begged not to be understood as holding out any expectations either one way or the other. After the statement which he had recently made to the House respecting the finances of the country, it could not be expected that he would willingly consent to any material diminution of the revenue; at the same time, it was no less his wish than his duty to give the community every relief in his power upon those minor matters which, without diminishing the revenue, were likely to render the raising of it less severely felt by the public.

Lord *Binning* said, there was one point connected with this subject to which the hon. member for Aberdeen had not adverted. He alluded to the tax on legacies left for charitable purposes. He thought this part of the subject deserved the attention of the chancellor of the Exchequer.

Mr. *Lockhart* suggested, that considerable expence and inconvenience, to which legatees residing in the country were exposed, might be removed, if the archbishop of Canterbury were to appoint standing commissioners in the several counties.

Mr. *Hume* said, it was his intention to move for a copy of the expenses attendant upon those proceedings.

The motion was then agreed to.

BURIALS IN IRELAND BILL.] On

the order of the day, for the third reading of this bill,

Mr. *Hume* said, he had received a communication, calling on him to request the postponement of this measure until its contents were known in Ireland. Only a few days had elapsed since it was brought into the House, and it had since been hurried forward, before its object was known to the people of Ireland. Under these circumstances, he asked whether it would not be better to postpone the third reading for eight or ten days, until the opinion of the people of Ireland respecting it was ascertained.

Mr. *Peel* said, as it was a subject which had already created much angry dispute, and, if not settled, was calculated to produce much more, he deemed it advisable to proceed with the bill. At present, one party in Ireland alleged, that another was doing that which was contrary to law; and as this bill would prevent all further doubt on the subject, it was proper to avoid unnecessary delay.

The bill was then read a third time, and passed.

COAL DUTIES.] Sir M. W. Ridley presented a petition from the proprietors of collieries on the rivers Tyne and Wear; setting forth:

"That it being generally understood that a proposition will be shortly submitted to parliament for altering the existing duties on coals, the petitioners humbly beg leave to state their situation, for the information and consideration of the House, that they have an immense capital embarked in their mines, from which they raise a much larger quantity of coals than the markets now open to the petitioners can take off, burthened as they are by the existing duties; that this surplus amounts, in many collieries, to more than one fourth of the whole quantity worked (making a total upon both rivers, of about 400,000 London chaldrons), which is wholly lost to the proprietor and the public, being from its want of size of inferior value, and not transportable on account of these duties; that the repeal of these duties would cause this surplus to be distributed around the coast, and into the interior of the country, greatly to the advantage of the shipping, agricultural, and manufacturing interests, and to the immediate relief of the poorer classes of those districts where, under the present system, they feel the pressure of taxation in the direct pro-

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portion of the difficulty they have in procuring an article essentially necessary to their health and comfort; that these duties on coals exported from the Tyne at the London market amount to 10s. 8d., and at the coasting markets to 6s. 6d.; and on coals exported from the Wear to 10s. 2d. at the former market, and to 6s. at the latter, per London chaldron; that the highest price charged by the coal-owners upon the Tyne and Wear for coals put on board is 16s. 6d. and the lowest 8s. per London chaldron for housekeepers coals, making the general average upon all the sorts of coal less than 13s. per London chaldron; that any addition to that price to the consumer depends on circumstances over which the petitioners have no control, and in the advantages to be derived from which they do not participate; that the petitioners are aware that an impression exists that there is a combination among them by which the price of coals in London has been kept up beyond the fair and free competition price; this the petitioners deny; for, on the contrary, the effect of the regulations in their trade, necessary for their mutual protection and convenience, has been, to keep the London market fully supplied, and the price so low that the inland coal-owners cannot compete with the petitioners without a suspension in their favour of the just principle of equal taxation, which was recognized by the legislature in the act passed in 1805 for allowing a limited quantity of canal coals to be brought to the port of London, upon payment of equal duties with the sea-borne coals; that the petitioners are convinced that the existing duties are the chief grievance that the consumers have to complain of and that these duties are a partial and impolitic tax upon the capital and industry of the Northern counties, and of all places to which sea-borne coals can be transported, from which they ought to be relieved; the petitioners therefore pray, and humbly pray, that the House will be pleased to make such arrangements as will at no distant period secure to the petitioners and the consumers of coals the benefits of a free trade, and that in the meantime, in considering any regulations that may be proposed for securing to London a supply of this necessary article of life, the House will not abandon the principles of equal taxation and free competition, nor permit the introduction of inland coals without subjecting them to equal duties with the sea-borne coals."

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The House having resolved itself into a committee on the coal acts,

Sir *M. W. Ridley* observed, that the petition which he had just presented from the coal-owners of the North embraced the principle which he felt it his duty to support. The question he wished to bring under their consideration was extremely important; and he requested the attention of the committee, for a short time, while he laid down the grounds on which the proposition he intended to conclude with was founded. His object was, that the alterations proposed to be made by the chancellor of the Exchequer in the coal duties should be re-considered, before they were ultimately carried into effect. Those alterations would, he was convinced, considerably injure the coal-trade of London, if not of the country at large, and were, as it appeared to him, founded on an absurd and unjust principle of taxation. He was sure that no one who had heard the right hon. gentleman, when he detailed to the House the financial situation of the country, or who had read the speech which he made on that occasion, could feel other sensations than those of pleasure at the recognition of the principles of free trade by which that speech was distinguished—principles which were then generally approved of and asserted. But in proportion as he felt pleased at that exposition, did he afterwards feel dissatisfied when he found that the right hon. gentleman had so soon forgotten the principles of equal taxation, and adopted a partial and unfair system with respect to two commodities of the same kind. When the right hon. gentleman, at the period to which he had alluded, expressed his intention of making an alteration in the duty on rum, he had said, “It is my intention to propose a reduction in the duty on rum, so as to relieve it from one of the peculiar difficulties under which it labours, by reducing that duty to the level of the duty on British spirits. No one, I presume, can think it desirable to reduce the duty on rum lower than the duty on spirits produced by British distillation. All that can be done with propriety is, to put them on the same footing! I propose, therefore, to make a reduction of one shilling and three half-pence a gallon in the duty on rum.” Here was a principle of fair and just taxation laid down in one instance; and he could not conceive why, in legislating on another, the right hon. gentleman had thought fit to

deviate from that principle. Why, instead of pursuing this system of equality, he had chosen to exempt from taxation one species of coal, while he placed a harsh and unjust impost on another, he could not conceive. It was the right hon. gentleman's duty to legislate for the general interest. The agricultural interest and the distilling interest were affected by the alteration in the duty on rum. The right hon. gentleman on this point had said, “I am aware, that there are circumstances connected with the practice of levying the duty according to the strength of the spirit, which may prevent our bringing the two descriptions of spirits to exactly the same point of equalization: but then it ought to be recollected by those who are interested in the question, that the distillers of British spirits are also liable to the malt duty. So that I believe, where the whole is taken together, the difference between these two interests may be considered as fairly balanced by the proposed reduction. Whether or not this diminution of duty will have any important effect upon the dealings in rum, I do not know.” It may be said, that it will not do much for the West Indies; perhaps not. But I know that the reduction is sound in principle; and I am always ready to adopt a measure that is sound in principle, even though I do not anticipate any extensive benefit from it in the first instance, because I am satisfied that its result cannot be bad. A measure sound in principle may, or rather it must, ultimately lead to good. If we cannot do all we would, let us do all we can.* Now, if the principle were a sound and good one, he should be glad to know why the right hon. gentleman had, in another case, acted on a very different principle? He should be glad to know why one body of persons dealing in a necessary of life, should be favoured more than another body occupied in the self same trade? Was it for the benefit of the consumer? If it was, the right hon. gentleman must carry the principle further. He must repeal, at once, if it were possible, the entire duty on coals. The consumer would then indeed be considerably benefitted; and no party would have just cause for complaint. Let the right hon. gentleman, in legislating on this question, not confine himself to one party. Let him consider not only the situation of the inland coal trade,

* See Vol. x. p. 324.

but the state, also, of the coal trade in the north. It must be known to all, that the northern owners had coals of various descriptions, many of them of an inferior quality, and which fetched an inferior price—just as was the case with inland coals—but they paid on those inferior coals precisely the same duty as was levied on the best that came to market. Now, if the right hon. gentleman meant to bring into competition with a good article a commodity of inferior quality, there certainly ought to be an equal portion of tax taken off, so as to reduce the two articles to something like a level.

The right hon. gentleman had observed, that the interests which had grown up under the existing coal system were such as to prevent him from proposing a plan by which, on this point, an act of general relief, and of strict justice to the whole country, might be effected. He had, however, yet to learn what those interests were. The general interests of the public surely were not to be sacrificed to any particular interest; and, when the right hon. gentleman spoke of particular interests, he must have recollected, that they had only sprung up, under the present duties, in the course of a century. The subject of the introduction of inland coals had always attracted the attention of the northern coal-owners; and they had constantly resisted any attempt to bring those coals into the market, by the operation of any measure that would act as a protecting duty. To prove that government had always viewed with a favourable eye, the coal coasting trade, the hon. baronet read an extract from the letter of a gentleman intimately acquainted with the subject, in which, and after several prefatory observations, he declared, that “the coal-owners had been taught that government would never cease to protect the coasting trade.” He also cited a letter from Mr. Ward to the secretary of the coal trade, in which that gentleman stated “that stations should be appointed, and duties, equal to the coasting duties, levied on inland coal.” This clearly showed the existence of a feeling on the part of the government, that the northern owners were likely to be injured by the introduction of inland coals, except under certain regulations. The right hon. gentleman had spoken of the useless, unmeaning, and preposterous restriction on the importation of inland coal, which operated as a prohibition. He agreed with the right hon. gentleman,

that it did operate as a prohibition; and it might, he conceived, be removed at the present moment, an equivalent relief being granted to the northern owners. In 1805, as a protection to the sea-borne coal, it was found necessary to charge a duty of 10s. 2d. a ton on coals of a certain quality, brought by the canal, which was equal to the duty of 9s. 4d. a chaldron paid on sea-borne coals. On that occasion, a minute was written by a right hon. gentleman then in the Treasury, the recollection of which would, perhaps, induce him to lend the northern owners a hand, instead of overturning that which he had himself assisted to build up. In that minute, dated the 6th of April, 1805, the right hon. gentleman observed “That the sale of coals brought by the Grand Junction Canal must, of necessity, excite the jealousy of those who brought sea-borne coals;” and he expressed his confident hope that the former would not be allowed “to interfere with so valuable a branch of British navigation.”

He would now refer to certain language which the chancellor of the Exchequer had held when he first touched on this subject—language which, coming from such high authority, must have had the effect of conveying impressions very unfavourable to a highly respectable class of men. He could not, however, bring himself to believe that such was the intention of the right hon. gentleman. The right hon. gentleman had declared, that he would remit 3s. 4d. per chaldron on coals brought to the London market. Now, before he proceeded further, he might be allowed to say, that he himself had no objection whatever to this reduction of duty. On the contrary, he wished that more should be taken off; but he was by no means sure that the measure was satisfactory to the people of London. He had seen a series of resolutions passed at a meeting of merchants, bankers, and traders of the city of London, who were desirous that the 3s. 4d. should be retained, for the purpose of improving the metropolis. The right hon. gentleman, by taking off 3s. 4d. from the duty on sea-borne coal, and by making a much larger reduction in the duty payable on inland coal, did, in fact, introduce a system of unjust because unequal, taxation; because he treated with marked difference the same commodity coming from different parts of the same country. The right hon. gentleman had confidently stated

that "such a regulation would have a beneficial effect. It will put an end to the power which those who engage in this trade now possess, in common with all monopolists, to enhance the price of coals beyond their fair value, by stating the supply, and proportioning it to their own interests rather than to the wants of the consumer." This was a point, respecting the coal trade, which appeared to be understood. It was said, that there was a regulation amongst the coal-owners to limit the quantity of coals sent to London. Now, he begged leave to state to the committee—and he would, if necessary, prove the fact at the bar of the House,—that there was no regulation between the coal-owners, directly or indirectly, the quantity of coals sent to London. All the regulations they entered into had for their object to make the best of their time and the most of their capital. The coals supplied by Shields and Newcastle were taken from 56 collieries, the property of 150 proprietors. They gave employment, food and raiment, to not less than 100,000 persons. They were prohibited by sea-duties from carrying coals into the foreign market. A considerable quantity of coals was, from the very nature of the trade, annually wasted. If they could introduce small coals into the London market—and they would answer every bit as well as large—it would be a very great advantage to them: but while the large coal was so entirely preferred in London, small coal could not be brought in, and they were not allowed to export it. The only regulation which the owners had, with respect to the London market, was, that the quantity assignable to the metropolis should be in certain proportions, and at certain times; but nothing whatsoever existed to limit the quantity which it might be found expedient to send to the London market. The coal-owners were a little too far north to be so blind to their own interest. Those who were acquainted with the colliery business must know, that the expense of the owner must, in many respects, be the same, whether the quantity of coal he raised was great or small. Therefore it was clear, that the more he shipped to London, the greater must be his profit.

To prove that the supply of coals for the London market was not so limited as to enhance the price, even supposing for argument's sake, that such a regulation existed as that which had been alluded to,

he would call the attention of the House to a document which he held in his hand. For many years the price charged by the coal-owners had not been raised. At length a rise from 2s. to 4s. took place. But, it must be observed, that the charge which was made in the London market depended on the coal duties, over which the coal-owners had no control. He held in his hand an account of the number of ships at market, for every day during the year 1823, and it appeared from that document, that there were but five days in the whole year, when the entire supply of coals in the market was brought up. There were on the first day of each month, the following ships left unsold:—In January 250, February 104, March 250, April 126, May 116, June 44, July 72, August 126, September 156, October 97, November 43, December 569. Here it appeared that there was, in some instances, a supply of 250 ships unsold in the market. The legislature had thought proper, for the security of the consumer to appoint certain officers denominated meters, whose duty it was, to see that the coals were properly delivered; but, it very often happened, that, for want of meters, the ships could not deliver their cargoes. To prove this fact, the hon. baronet read an account, from which it appeared, that at different periods in the year 1823, there were from 10 to 265 ships waiting for meters.

Having stated thus much in defence of the coal-owners, he should merely state, that the object which he had in view, in the resolutions which he was about to propose, was, to put the two trades on an equality, as he supposed the right hon. gentleman had intended. He wished to leave untouched a wholesome and just principle, that of equality of taxation, so far as regarded two dealers in the same commodity. The hon. baronet concluded by reading the following resolutions:—
 "1. That the present duties on coals, culm, and cinders, carried coastwise, or by inland navigation, from any port or place, to any place in the county of Middlesex or Hertford, shall cease and determine, and that the following duties shall be hereafter paid thereon, viz.—on coals, culm, and cinders, in case such are usually sold by weight, 4s. 6d. per ton. and in case such coals, culm, and cinders are usually sold by measure, 6s. per chaldron, That all coals, culm, and cinders, navigated by the Grand-Junction or Paddington

canal, coming near the stone, or post, at Grove bank; or if by the Thames, coming up to the City stone, shall pay, if usually sold by weight, 3s. per ton. and if by measure, 4s. 6d. per chaldron; Second, that, next year, a further reduction of duty to the amount of 2s. shall take place. And third, that it is expedient that the said duties be totally, but gradually repealed."

The first resolution having been moved,

Mr. *Littleton* said, that if he thought that any benefit could possibly arise from the hon. baronet's recommendation, he would be the very last man to object to it. When the duty on coals carried coastwise was first projected, the principles of political economy were not so well known as they were at present. It was then felt, that coals borne by sea had a very great advantage over those which were carried by land; and it should be observed, that at that period the conveyance by canal was extremely limited. The sea was an open navigation; it afforded advantages not possessed by any other mode of conveyance, and therefore duties were imposed on that species of carriage. In 1805, when the Grand-Junction canal was finished, it was deemed proper to place a heavy duty on coals carried through that channel. This he looked upon as a great injustice. If it were intended to place a tax on inland coals, why was it confined to only part of the inland trade, whilst every other portion of it was suffered to remain untaxed? There were hundreds of places where inland coal came in competition with the sea-borne coal. Here only it was excluded. If the right hon. gentleman did not repeal the tax in this solitary instance, the owners of inland coal had a much greater right to complain of injustice than the northern coal-owners. This tax on inland coal was imposed in 1805. At that period, the Grand-Junction company had nearly completed their undertaking. The northern coal-owners, afraid that inland coal would be brought to their market by that canal, contrived, that a clause, which prevented the importation of such coal, should be introduced, under the mask of protecting the revenue. Those gentlemen, not content with preventing inland coal from coming into the London market, as the sea-coal did, procured the insertion of a provision in the bill, which gave to their coals a monopoly, not merely of the London market, but of the country, for seventeen miles round it.

The hon. baronet had neglected to state the price of each sort of coals. No doubt he depended on the principle; but, the scale of prices was necessary for the elucidation of the question. His (Mr. L's) object was, to show the House the cost of a certain quantity of inland coals at Paddington, the cost of a certain quantity of sea-borne coal in the pool, and then to prove, that the freight, charges, and king's duty were far heavier on the inland than on the sea-borne coal. The freight and other small charges on Stewart or Wall's-end coals, as compared with the prime cost, was as 11 to 17; and on Staffordshire coals, as 29½ to 18. The amount of king's duty and other trifling charges on Newcastle coals, was as 13 to 17; on inland coals, including the London duty, it was as 19 to 18. So that on both these heads of charges, as compared with the prime cost, the inland coals were taxed infinitely more than the sea coals. The charge for tonnage on the inland coals was also worthy of notice. On a quantity of coals, which cost 18*l.*, the tonnage charge would be 30*l.* or 31*l.*, being 163 per cent on the prime cost of the article. No person needs be surprised at the small quantity of inland coal introduced to the London market, from the year 1807 to the year 1815. During that period, only 50,000 tons had been navigated beyond the stone in lord Clarendon's Park. In 1814, 1815, and 1816, there were 4,359 tons of inland coal brought to the London market. In 1821 1,359 tons; in 1822, 912 tons; in 1823, 663 tons. Some apprehensions were entertained, that the facilities afforded by the Grand-Junction canal would operate most prejudicially against the northern coal-owners by admitting the importation of a large quantity of inland coal to the London market; but he would ask whether, on the contrary, that work had not been more advantageous to them than to any other body of men? They had an opportunity of sending their coals from the Thames to the interior by that channel, instead of being compelled to use waggon carriage; which was far more expensive? They had thus an exclusive monopoly through a country extending from twenty-five to thirty miles. The hon. baronet's constituents stood, therefore, in a much better situation than his (Mr. L's) did. It ought not to be overlooked, that the northern coal-owners had, and probably always would have, an unvarying demand

for their coals for domestic purposes—a matter of no small importance. The coal proprietors of the north, even under the circumstances of which they complained, would have an overpowering advantage over the inland proprietors, and one which the latter would never, probably be able to surmount. With the duty reduced, as it was to be, or even reduced still further, the inland coals could never come, in any great quantity, into the market of London; nor did the inland proprietors imagine that in the long run, they could resist the gradual reduction of the duty on coals from the north. He, for himself, spoke without the smallest personal interest; and, so far, was differently circumstanced from hon. members on the other side, who would be likely to address the committee upon the subject. He should certainly sit down by opposing the proposition of the hon. baronet.

The *Chancellor of the Exchequer* said, he felt himself bound, in justice to the hon. baronet opposite, and his friends, to say a few words in explanation of the remark attributed to him on a former evening. The words quoted against him, as to monopolies, were correct; but the spirit of them had been a little mistaken. They had been used, he believed, with reference to some part of a petition, complaining of combination, presented by one of the hon. members for the city of London; certainly, without any intention of casting a slur upon individuals. Because, in fact, if the legislature had given the northern coal-owners a practical monopoly, no one could blame them for availing themselves of it. All he had said was this—that if they had by law the practical power of a monopoly, might it not be fit to alter the state of the law, whether they actually made use of that power or not? With respect to the reduction which he had proposed in the duty upon inland coal, he was desirous, in fact, only to rectify a kind of mistake that had been committed. The existing law restricted the importation of inland coal into London to annually 50,000 tons. It appeared, therefore, that the law thought that, with safety to the northern interests, 50,000 tons might actually be admitted: but the duty which this coal paid prevented 50,000 tons, or a tenth part of 50,000 tons, from being sent; so that, in fact, it made the resolution as to the quantity which might come altogether nugatory, and imposed

a hardship which, it was evident, the legislature had not intended. The hon. baronet said, that the reason the inland coal could not bear a high duty was, its inferior quality; and that if the duty upon it was to be lowered, it ought also to be lowered upon the inferior sea coal, which paid the same duties at present as the dearest coal at market. But, there were reasons, independent of its quality, why the inland coal could not bear high duty; namely, the heavy tonnage which it paid, for instance, to the canal companies—a charge from which the northern coal was altogether free. And, after all, what was it that the northern coal proprietors were alarmed at? Could their London sale of 1,400,000 chaldrons a year be much endangered by an inland sale of 50,000 tons? In fact, their demand had been rather increasing ever since the peace; and now there was to be a reduction of price to the consumer, unless the consumer was defeated by some combination which the legislature was practically unable to resist. They had a growing market, and a reduced duty; and what more could they well desire? The right hon. gentleman sat down with observing, that he certainly could not go the length of pledging himself to get rid of the coast duties on coals within the next three years, because, independent of any question of policy, the revenue could not afford to lose the money. He could not, at present, spare 900,000*l.* a-year. It was possible he might be wrong in his view of the best mode of dealing with the surplus which the country had disposable; but he could not assent to a proposal which would go to destroy the whole foundation he had built upon. For these reasons, he objected to the resolutions of the hon. baronet.

Mr. *Cuthbert Ellison* denied the existence of any combination among the coal-owners of the north, and trusted that no one would continue to impute it to them, after the manner in which it had been disavowed. The reduction proposed by the chancellor of the Exchequer, in the duty upon inland coal, seemed to him not to be justified upon any sound principle. The fluctuation which took place in the price of coals in the London market, arose out of causes with which the pit-owners had nothing to do. They arose almost entirely in the pool, and might be checked, in a considerable degree, by a change of the city regulations.

Sir John Wrottesley was sorry to see an opposition to the chancellor of the Exchequer's intention in favour of the inland coal, because most of the persons interested in that proposed measure had left town, not anticipating any resistance to it. At present, the House would see that the duty on inland coal amounted to a prohibition; for such a quantity as 900 or 1,200 tons in a year could have no view to general consumption, and, in fact, was only brought to London for certain specific purposes. Surely, if there was any likelihood of combination among the coal-owners of the north, the true way to defeat it was, to give every facility to the inland coal-owners; among whom the mode of working made combination impossible. He admitted, that very little of the inland coal, under any circumstances, would come into the London market; but it was fair to the coal-owner, as well as for the advantage of the consumer, that it should have the power, up to a certain point, of coming there. At present, however, the Staffordshire proprietors were actually in apprehension that the northern owners would not merely keep possession of London, but compete with them in their own markets.

Mr. Stuart Wortley said, that the northern coal-owners asked for no advantage over the inland proprietors, except the advantage which they had received from nature. They had the best article to sell, and the cheapest; and all they required was, to be let alone with it. They asked for no duties to be imposed upon others; they only wished to be relieved from unreasonable duties which were imposed upon themselves. Now, hon. gentlemen talked of the antiquity of those duties. Certainly, they had lasted a great deal too long: but would any one argue that they had ever been imposed upon any thing like a principle of trade, or with any other view than that of extracting revenue from a commodity which was supposed to be well calculated to afford it? Was the House aware that the average price of coals was 13s. a chaldron at Newcastle; some were as high as 16s., but some were low; so that 13s. was a high average; and that these coals paid a duty of more than 12s. 6d. a chaldron? He repeated, that the sea coals wanted no advantage or protection. They only wanted to be left to themselves. He desired no limitation as to the quantity of Staffordshire coal brought to London.

Let the restriction be taken off: but then, if the sea coal could go cheaper than the inland coal to Berkshire or Oxfordshire, why so much the better for the consumer, and the inland coal-owner ought not to complain. Let the duties, which now pressed unfairly upon the northern proprietors, be taken off, and they would realize the apprehension of the inland owners—they would supply those places. The proposition, that the inland coal was entitled to pay a less duty in London than the sea coal, because it came to town by a more chargeable road, and because there were more expenses in bringing it, was one of the most extraordinary to which he had ever listened. Upon exactly the same principle, a tax might be laid upon Kent or Essex wheat, to balance the additional cost which attended wheat coming from Yorkshire. This certainly was a little opposed to the doctrines of free trade; but, if the course was to be taken with regard to one article, he hoped it would be taken with respect to another; and that the Essex wheat would be charged with a duty for the benefit of Yorkshire. But, in fact, he knew what had led the chancellor of the Exchequer to this measure in favour of the inland coal-owners. The right hon. gentleman had been misled by a cry of monopoly in the north; where the proprietors certainly had a monopoly, for they had an article which could never be driven out of the market. It could not be supposed that the coal proprietors of the north were afraid of the chancellor of the Exchequer's measure at present; but they were afraid, and fairly so, of the principle on which it proceeded. The measure, at this moment, could do the sea coal-owners no hurt; but circumstances might arise under which it would do them hurt. At present, take the proposed duty off, and the inland coals would not come; but the duty was taken off to cover the greater expense, to the inland coal, of carriage. Suppose a war, or the rumour of a war, which doubled the freight and insurance of the sea coal—in what situation would those who dealt in it stand then? The hon. member then commented upon the usefulness, at least, of protecting the sea-coal trade, on account of the nursery which it formed for our seamen.

Mr. W. Courtenay wished that a tax so full of extreme hardship and impolicy, raised upon one of the essential articles of life, could be entirely done away with. He expatiated upon the benefits which a

total repeal of it would confer on the western counties, where all enterprise in manufacture was checked at present by the weight of these unequal duties. He could not determine whether or not the plan of reduction proposed by his right hon. friend was the best which could possibly be adopted, with a view to a gradual and total repeal.

Colonel *Wood* said, that the argument had been almost entirely conducted, as if it only referred to a struggle or competition between the Staffordshire and the northern coal-owners about the monopoly of the London market. The fact was, that there could not, in the nature of things, be any such question. There was no competition, there could be none, between the two classes of coals; so great were the natural advantages on one side. As proofs of the truth of this assertion, the committee had only to notice what was the effect of the competition, slight as it was, which already existed. The northern coals which came into the ports of London ascended the Thames, charged with all these extraordinary and unequal duties, as high as the stone at Staines; they went on to Windsor, and even as far as Reading, where they met the inland coals, charged with no duty whatever. Now, let the committee observe the result of this conflict. The inland coals could not keep the markets into which the northern coals entered, charged with the heavy duties, and the extraordinary expense of freight incurred in ascending the Thames; but they were pushed back into their own domicile, where alone they could get and keep any steady rate of consumption. A good fire was, doubtless, a very comfortable thing: but, was not plenty of light also a very comfortable thing? For his part, if it were a matter of choice with him, he could not hesitate a moment in preferring light to fire. He would, therefore, prefer the repeal of the window-tax to the repeal of the coal duties. It was difficult to manage questions of this kind with the chancellor of the Exchequer. He well recollected the hon. member for Surrey saying, on a former occasion, with respect to the coal duties, that he had a substitute to propose in his pocket, but he would not take it out, for fear the chancellor of the Exchequer should not only retain the tax, but add the substitute to it. In all probability, that substitute was a duty at the pit's mouth; and if so, he advised all

sides to join in expressing their content at the remission of any part of the duty; for, assuredly, nothing could be more detrimental to the interests of coal-owners, whether in Staffordshire or Northumberland, than the duty at the pit's mouth. Therefore, though he would have preferred the repeal of some tax of more general and impartial operation, and the abolition of which would have been more consonant with the principles of free trade, he advised the committee to rest contented, rather than put the question in danger, by pressing his right hon. friend too far.

Lord *Milton* said, he would have given the preference to the repeal of either the window or malt duty. He could not compliment either the justice or the policy of this repeal. It appeared to him to be as objectionable to proceed by favour, in the repeal of taxes, as in their imposition. The right hon. gentleman seemed in this affair to have acted as if he had a surplus revenue of 100,000*l.* with which he actually did not know what to do. It was true that this was originally a very unequal tax; but, how long had it continued? For more than a century. Capital had accommodated itself in the mean time to the tax, and that capital would produce as much in the western counties as it would in the northern at this or any other time. If the chancellor of the Exchequer was able to remit 100,000*l.* of the public taxes, London and its neighbourhood could have no more right to the repeal than the rest of the country. As to the boon intended for the western counties, in remitting the duty on sea-borne coal, he must look at it with suspicion. It was intended as a trap to catch the worthy gentlemen who were connected with those counties: and if the bait should take, undoubtedly it must be a desirable thing for the right hon. gentleman. For, though those counties were not flowing with coals and iron, they were abundantly flowing with members of parliament: the population of Cornwall, which was little more than 200,000, returning more members than York and Lancaster, with two millions of people. But why should the House proceed in the repeal of taxes by parallels of latitude and longitude, instead of the great principles, of justice policy, and free trade?

Mr. *N. Calvert* objected to the strange proposition of the noble lord, that because a tax of most unjust imposition had continued for a long time, it was not, therefore a less proper subject for repeal. He

preferred the repeal of the coal duties to that of the remaining window tax, which was paid chiefly by the rich; and hoped to see the coal duties entirely done away.

Mr. Tremayne supported the resolutions.

Sir T. Lethbridge pressed for the repeal of the malt or window tax, in preference to the duty on coals, and complained, in strong terms of the monopoly enjoyed by the proprietors of coal pits.

Mr. Lambton said, that having a great personal interest in the present question—a much greater interest, perhaps, than any of the hon. gentlemen who had preceded him—he certainly would best consult his own feelings by remaining entirely silent. He, however, rose in consequence of some observations that had been made, to state a few facts, in justification of the proprietors of coal mines in the North. He was induced to do so in consequence of what had fallen from the chancellor of the Exchequer, and, in still stronger terms from the hon. baronet below him. He would state, in the name of those gentlemen, that there was no foundation whatever for the charge, that the proprietors of coal mines in the North had entered into any combination to limit the supply of coals in the London market. Whatever resolutions they had entered into were not for the purpose of limiting the supply, but for the purpose of insuring to the city of London, a regular and constant supply of coals, at every season of the year. In confirmation of the truth of that assertion he would appeal to the increased supply of each year. On every market day there were more ships in the river than there were purchasers. The proprietors of the coal-mines in the North looked not for monopoly—they disclaimed all monopoly—they never aspired to it—the existence of monopoly was as odious in their eyes, as in the eyes of any member in that House. The monopoly which had been created, had been created by the government, for its own purposes, and not to serve the proprietors of coal-mines. Those gentlemen did not seek to retain any monopoly. All they asked for was a clear stage and no favour. They wished to bring coals to the London market on fair terms. He thought it was hard that those gentlemen should be driven out of the London market without having an opportunity afforded to them of exporting their coals to foreign ports. There were no less than 400,000 chaldrons of inferior coals allowed to rot in the North

because they could not be exported abroad, in consequence of the high rate of duties to which they were subjected. If these coals could be exported, instead of going to utter waste, they would bring in a fair return to the owners—while the exportation of the article would employ a number of ships, and many thousands of seamen. The hon. member concluded by disclaiming upon the part of the proprietors of coal-mines in the North all idea of monopoly.

Sir T. Acland supported the plan of the chancellor of the Exchequer and hoped that it would lead to the entire repeal of the coal duties.

Mr. Money said, there were two points to which he hoped the attention of the right hon. gentleman would be directed. The first was, the importance of the coal-trade as a nursery for seamen, and as one of the chief sources of the strength of the British navy. The other was the advantages experienced by the port of London from the quantity of ballast which was taken from the bed of the river for the use of the colliers on their homeward voyages. He trusted that care would be taken that nothing in the operation of the proposed resolutions would affect either of these important topics.

Mr. H. Sumner thought the coal-trade had a paramount claim to relief, and trusted that the chancellor of the Exchequer would, whenever the opportunity should occur, extend it as far as possible beyond what was now proposed.

Mr. Alderman Bridges said, an hon. baronet had been mistaken in supposing that the proposed reduction of the duty was considered by the city of London as a trifling matter. The reason which had induced them to wish that some part of the London port duty should be retained, arose from their wish to embellish and improve the city by widening streets and turning corners; to which purposes the sums raised by those duties were applied.

Alderman Wood begged it might be understood, that the reduction in the duty was an advantage to the public, and not confined, as had been stated, to the coal owners. It had already had an effect on the bargains, and there could be no doubt that the public would be benefitted to the whole extent of the 3s. 4d.

The committee then divided on the first resolution: for the resolution 51 Against it 83. On the second resolution: for the resolution 54 Against it 80. On

the third resolution : for the resolution 60 Against it 73.

HOUSE OF LORDS.

Friday, April 2.

SILK TRADE BILL.] The Earl of *Liverpool* rose to move the second reading of this bill. The measure, he observed, was one of great importance; but, the more he considered the subject, the more he was satisfied that the effect of the proposed change would be advantageous to the country. He had been one of those who formerly entertained doubts of the propriety of permitting a competition in certain manufactures, but more mature consideration had convinced him of the impolicy of any restriction whatever. If it were possible for their lordships now to have any apprehension of injury from allowing the importation of foreign silk manufactures, that apprehension would, he trusted, be removed on learning, that in consequence of the change in the law proposed to be made by this bill, new silk manufactures were likely to be established in different parts of the country. Arrangements, he understood, were making at Manchester for the introduction of this manufacture, which would give employment to 30,000 or 40,000 persons. Indeed, there could be no doubt of the manufacturers of this country being able to compete with foreigners, without the protection derived from prohibitory laws. The principle of free trade, on which the bill was formed, would put the silk-manufacture on a fair footing; it was that of the *quid pro quo*; for the object of the bill was to reduce the price of the raw material, while it did away with the prohibitory system, and admitted the foreign-manufacture article under a protecting duty. The impolicy of prohibitions was now too obvious to be questioned. It was to be expected that foreigners would always obtain a superiority in some branch of manufacture or other, and this was not to be regretted. It was not desirable that other countries should not improve as we improved; for such reciprocal improvement was advantageous to all parties. Looking, however, at the silk manufacture on the extensive scale in which it was prosecuted in this country, in all its branches, he saw no reason to think that the competition of the English manufacturer would not be successful. In-

deed, after the inquiries which had been made, he was perfectly satisfied, that the present bill would have a beneficial effect on the trade of the country. When the measure was first introduced, it was intended that the prohibition on importation should cease at the same period that the reduction of the duty on the raw material commenced; but it had since been thought reasonable, that the manufacturer should have the start, by being allowed the reduction earlier. Such were the principal grounds on which the present bill had been brought forward. His majesty's government might have easily introduced measures more generally popular; but what they looked to in this was, the establishment of sound principles, and the laying the foundation of a just commercial system. He concluded by moving, that the bill be now read a second time.

The Marquis of *Lansdown* concurred most completely in the views which the noble earl at the head of the Treasury had expressed. They were, indeed, the same as those which he had himself long entertained on the subject. As to the last point on which the noble earl had touched, namely, the removal of the prohibition against the introduction of foreign silks, nothing could be more politic, or calculated to be more advantageous to the country. The principle of prohibition being once removed by this bill, he earnestly hoped it would never be permitted again to have a place in the British code. As to the effect of this bill, he retained the same sanguine opinion which he had formerly expressed. Whatever apprehensions some individuals might entertain, he had not the least doubt that, aided by the improvement of machinery, and the reduction of the duties on the raw material, the manufacturer of this country would be able to maintain his place against any foreign competition. The only question on which there could be any doubt was, that of the time to be allowed to the manufacturer. As the change was great, it was certainly but fair that a sufficient period for preparation should be granted.

IRISH TITHES COMMUTATION BILL.]

The Marquis of *Lansdown* said, he had some petitions to present on the subject of the Irish Tithe Commutation Act, to which he wished to draw the particular attention of their lordships. In the last

session of parliament, he had felt it his duty to support the principle of the measure introduced for the commutation of tithes, as such a measure had been long sought for in Ireland; but it was necessary that it should be impartial, in order to produce even a partial restoration of tranquillity in that country. In giving his support to the measure, he had thought it right to qualify that support with some exceptions; and if he now found it necessary to recal the attention of their lordships to the objections he had formerly stated, he should not advert to any one, of the justice of which he was not convinced he could satisfy the House and the noble earl opposite. He should first remind their lordships, that he had stated, that the bill exhibited a *prima facie* inequality in its operation on the parties to whom it applied; in consequence of which many were disinclined to assist in carrying it into effect. A power was given by the bill of last session to increase the provision for the clergy, beyond what had been received for the last seven years. This he thought was fair; because it was but just that a clergyman should be allowed an increase, if he had received less than was due during the seven years; but instances might occur in which it would be equally just to give him less; and it would have been proper to have inserted a clause in the act, allowing the parishioners to state their reasons for reducing the provision. This reciprocity, however, was not allowed. Had such a clause existed, it would have taken away a plausible argument or just objection, which was seldom omitted to be urged against the measure; namely, that the parishioners, if they agreed to act under this bill, might have to pay more, but it was impossible they could have to pay less. He did not know whether it was owing to any dulness of apprehension on the part of the Irish peasantry, or from that confusion of ideas which was by some attributed to them, that they could not find out the justice of this regulation. They felt, however, that they were shut out from making a fair bargain, and thought that they perceived a design to make the arrangement unfavourable to them.—The clause which related to the machinery of the bill was equally objectionable. It was impossible for any one to foresee to what extent the expense of executing the bill might go; but, as the measure was altogether for the benefit of the church, it

was reasonable to expect that the clergy would pay a share of that expense. On the contrary, the whole of the burthen was thrown on the other party. It was therefore by no means surprising, that this part of the arrangement should be regarded as unjust, both by the country gentlemen and farmers, who suffered by it.—Another ground of complaint arose from an obscurity in the bill, which it would perhaps be in the power of the noble earl opposite to remove. The noble earl must be aware, that nearly all the arrangements which had taken place under the bill, had been made under a clause introduced by a member of his majesty's government in the other House of parliament, the effect of which was, to give a power of altering the arrangement made, on the meeting of the vestry. It was understood, that the arrangement settled at the meeting should be final; but the result was, that a further proceeding was forced upon unwilling parties. Meaning only to come to a final settlement at the vestry meeting, they found that they were obliged to go on to something else; that having agreed to one arrangement, they were understood to have given their assent to any subsequent one which might take place. This provision, which was called the trap clause, had given great offence. It was therefore most desirable that the matter should be made clear, and all appearance of unfairness removed. That the act containing these objectionable clauses would be amended in the present session, he was encouraged to hope. By the votes of the other House of Parliament, which were before their lordships, he had, however, become acquainted with a bill introduced into that House of a very extraordinary nature. If that bill should pass the other House, there would be proposed for their lordships' adoption a measure, which he did not hesitate to say was more subversive of the rights of property than any measure ever introduced into parliament. It was a bill which he must believe never could pass that House, or any assembly exercising a sound judgment. In the course of the last session, he had adverted to the three parties subject to the operation of the bill. One consisted of the holders of the existing tithes; and he supposed it was natural in them to wish to receive more than they had previously done. The tithe-payers constituted another party; and it was to be presumed that

they would wish to pay less. The third party was formed of those who possessed land tithe-free, and who were not legally bound to pay any thing. It certainly did occur to him, that there lurked under the bill, a design to conciliate two of these parties, the receivers and the payers, at the expense of the weaker party who had hitherto not been bound to pay any thing. He had stated his suspicion, and had felt it to be his duty to point out the injustice of the course which appeared to be contemplated. What answer did the noble earl opposite then give? He said, that no compulsion was meditated against those who were not bound to pay tithes; that, in fact, compulsion with respect to them was impossible, as they were empowered to vote, and no less than six votes were given them for their protection. He had no interest in this question; but he could not express to their lordships his astonishment at finding, that a clause was introduced into the bill before the other House, which went to deprive the persons to whom he had alluded, of the six votes, to which they were at present entitled, and to place the largest holder of property in the country on the same footing with the smallest. If this bill passed into a law, the small proprietors would be able to out-vote the proprietors who possessed the greater part of the land in each parish, contrary to all the principles on which parliament had ever acted in cases of property; as, in the making of roads, canals, and so forth, the possessors of one tenth of the property of a parish would be enabled to control those who possessed the other nine-tenths. Could any thing be more unreasonable than this?—Another clause which he found in the bill now before the Commons was not less reprehensible. It empowered any person who might be appointed a commissioner, to order to be brought before him the title deeds of the estates, which any noble lord or any other person might have in Ireland. Was it possible that their lordships House, which had always manifested such a delicate regard to property, could sanction such a clause as this? Was it to be endured that their lordships should be thus called upon to produce every title deed, every scrap of paper, connected with their property? It was impossible the noble lord opposite could give his assent to such a measure. It was impossible the learned lord on the woolsack, who paid

so much attention to questions of property, could permit it to proceed.

The *Lord Chancellor* rose to order. It was, he said, the first time he had ever heard the clauses of a bill in progress through the other House of parliament made the subject of discussion in their lordships' House.

The Marquis of *Lansdown* considered that he was strictly in order, as he was speaking on a bill against which the petition he had to present was addressed. He was entitled to state—and he thought it but fair to call the attention of their lordships thus early to the subject—that the measure which was in progress in the other House of parliament, so far from being calculated to relieve the parties complaining of the act, would aggravate the evil under which they laboured. But, to avoid all dispute on the question of order, he would put the case hypothetically, and say he understood that so and so had been proposed elsewhere, which would come precisely to the same thing. He would state, that last year the average taken on the last seven years, had been considered too high, and it was thought right to correct it by giving the opportunity of an alteration at the end of three years. Notwithstanding this arrangement, it had been proposed, that when the average of the seven years should once be determined on, it should be irrevocable, and could not be altered at the end of the first three years. Such an enactment as that he had described, their lordships must perceive; would be no relief from the hardship complained of last session. He could assure their lordships, that in stating these objections to the measure, he was actuated by no opposition to the principle of the measure. He was most desirous of seeing it carried into effect, but wished the objectionable clauses of the bill to undergo amendment. In particular, he thought it due to the proprietors not liable to pay tithes, that they should be relieved from compulsion, and that whatever they did towards the execution of the measure, they should be permitted to do of their own free will. While the lay-holders and impropriators of tithes were not subject to compulsion in coming to an arrangement, he trusted their lordships would not be so unjust as to impose compulsion on those who hitherto had not been bound to pay tithes, and who surely were entitled to remain as free as the other party who received the tithes. He concluded by pre-

presenting a petition against the Tithe Commutation bill, from a parish in the county of Tipperary.

The Earl of *Liverpool* said, he would not be induced by any thing the noble marquis had stated, to anticipate the discussion which would probably regularly come on, as to what alterations it might be proper to make in a measure now before the other House. Whenever that bill came before their lordships, it would be time to consider in what respect the bill of last session was defective, and what amendments it might require. What he wished now to explain was, the real state of the case with respect to the bill which was said to have failed. When he proposed the second reading last year, he had observed to their lordships, that neither he nor any person could expect the measure to be otherwise than imperfect, and that nothing more could then be expected than to establish the principle. It was under this impression that he stated his opinion of the effect which was to be expected from the bill last session; but that opinion was now completely changed. Many amendments were made with a view to compulsion, because it was supposed that without compulsion there would be no success. But, he was now prepared to say, that the measure had succeeded beyond the most sanguine expectation which any person had ever formed respecting it. He found that it had succeeded in more than one-tenth of the parishes. It had been carried into execution in 279 cases. It had besides been carried into effect in twenty-three cases since the meeting of that House, and fresh applications had been made for thirty-nine arrangements. With regard to what the noble marquis had stated on the subject of the clause, according to which, in some cases, the clergyman might receive more than had been paid on an average of seven years, he must observe, that the objection was far from being well founded. The reason of the provision obviously was, because the clergyman could not have received more than his right. There could therefore, be no reason for inserting a power to give him less than his due; but he might have received so much less than what he was entitled to, that in common justice it would be necessary to give an increase. Hence the necessity for the power which the noble marquis regarded as a mark of partiality. The measure had been carried into operation in a most li-

beral manner in ten dioceses, and the amount per acre received by the clergyman in some of them he would state. In the diocese of Cashel, he received 1s. 3d. per acre; in Clonfert, 6d.; in Elfin, 11d.; in Meath 11d. In short, he could assure their lordships, that the measure had succeeded far beyond any expectation he had at first thought himself warranted in encouraging.

The Earl of *Kingston* stated the fact, that in one parish there was no protestant church erected, the rector having objected to the expense of 75*l.* a year for the salary of the curate; and the consequence was, that many Protestants went to mass, rather than go to no place of worship at all.

Lord *King* said, that after the many grants of public money for the erection of churches and glebe-houses, it must be very mortifying to the House to find their intention frustrated by those who ought to promote them. He had heard of a mercantile Hibernian reciprocity, but here was a clerical Hibernian reciprocity. Was the cure of souls a sinecure in Ireland, or would the Irish clergy content themselves with a mere salvage? Would they take the fee, and leave the sinner to work his own way to heaven as he could? The fact with respect to the clergy was as notorious as the sun at noon day.

The Earl of *Clare* inferred from certain facts which had taken place in his own county, that, in some instances, the composition had been taken too high, but, generally, he maintained the right of the clergy to church property to be as valid as that by which their lordships held their estate, and the measure against which the petitioners remonstrated to be necessary to the salvation of the Church.

The Earl of *Darnley* contended, that, though the clergy might be legally entitled to claim the full amount of their tithe, the right could not easily be insisted on after the statements of his noble friend, which remained uncontroverted.—His noble friend had made out a charge of gross neglect. Was the unwillingness of a rector to pay a curate 75*l.* a year, a sufficient reason to prevent the building of a church and thereby compel the parishioners to charge their religion for want of a Protestant place of worship?

The Earl of *Kingston* said, there was not a single statement in the petitions relative to the non-residence and neglect of the clergy, which he could not esta-

blish by evidence at their lordships' bar.
Ordered to lie on the table.

UNITARIAN MARRIAGE RELIEF BILLS.] On the order of the day for the second reading of this bill,

The Marquis of Lansdown said, he should not have thought it necessary to have called their lordships' attention to this subject at any length, if it had not been intimated to him, that an opposition was intended to be made to the measure now before the House. The present bill originated in petitions which had been presented from the Dissenters in the last session of parliament, in which they complained of the necessity they were under, as the law now stood, of taking a share in the celebration of the marriage ceremony to which they could not in conscience assent. It was the first duty of the legislature, on civil grounds, to provide against the celebration of clandestine marriages; but, that being provided for, it was most important that marriage should be contracted with that solemnity which should give to it, in the eyes of the parties, the most lasting and binding obligation; When if it was the duty of the legislature to provide against clandestine marriages, it was equally their duty to give every facility which was possible, and to avoid every thing that had even the appearance of a violation of conscience; and on this ground, their lordships would find it necessary to adopt the proposition which he had now to submit to them. It had been said, that the present measure would include an alteration of the Liturgy. This was not the time to discuss whether such an alteration were desirable, as his proposition left that part of our church service entirely untouched. Their lordships, he was persuaded, would not think that persons who were tolerated by the law, ought in the ceremony of marriage, to be compelled to violate their consciences, and be brought into our churches, and appear to signify their assent to doctrines, which the law did not, in any other instance, call upon them to do. It was most important that marriage contracts should be entered into under all the circumstances most binding to the parties; and the object of the state being secured by publicity and solemnity being given thereto, that publicity and solemnity should take place in the manner which the parties thought proper. He therefore proposed, in the bill now before the House, that the class of Dissenters,

commonly called Unitarians might, under certain regulations, be married in their own chapels, they having previously given security for their publicity, the publication of bans and the payment of fees due to the established church. He should have been pleased to have brought in a bill of a more comprehensive nature, including all dissenters from the Church, who could not reconcile it to their consciences to concur in the marriage ceremony. With a view, however, to practical benefit he had thought it best to limit the measure; for when this subject was formerly before the House, it was said by those for whose authority he had the highest respect, that there might be trivial objections taken, which the legislature was not bound to attend to; and it was also said, that it would afford facilities to clandestine marriages. It was then said, let us see the case of the individuals who have most reason to object to the law, and provide for that. The bill before their lordships attended to the case of the parties who, by the admission of some of the right reverend prelates, were acknowledged to have most reason, in foro conscientie to complain of the marriage ceremony. It was stated, with a spirit honourable to the church, that the moment a case appeared, in which the parties had conscientious objections, there would be a disposition to afford it relief. The bill went on to provide, that the chapels of the Protestant dissenters commonly called Unitarians might be registered, and after being so registered for not less than a year, their marriages might be celebrated in them. It was also provided, that ministers should be punishable, if they celebrated any marriage contrary to the act; and he should have no objection that transportation should be the punishment assigned for it. Although the publication of bans was perhaps the best security against clandestine marriages; yet, if any other should be thought preferable, such as registering the intended marriage, he should not object to it. Though the parties to be relieved by the bill were the furthest removed of any Protestant dissenters from the doctrines of the Church of England, yet that was no reason for the House to refuse indulging them; they being, in common with all dissenters, tolerated by the law, and unquestionably that class, who had most reason to object to the marriage ceremony as it now stood. It was on this allegation on their part, that

the legislature was called upon to extend to them the required indulgence, and unless any noble lord could contend, that the Unitarian ought to be cast without the pale of society, or that he should not be allowed to marry, or, if he should have that permission, that the occasion of the marriage ceremony should be taken to subject him to what he esteemed a violation of his conscience—unless any noble lord was bold enough to maintain these propositions, he could not conceive any objection to the Unitarians being married in the way proposed by the present bill.

The Archbishop of *Canterbury* said, that if the relief sought for, was to be obtained by removing the scruples from one description of men to lay them on another—from the smaller number to the larger—from the Unitarian dissenter to the members of the established church—he should certainly have objected to it. At the close of the last session of parliament, a bill was submitted to their lordships, proceeding on a very different principle; for whatever other faults it had, it was not charged with transferring to others the grievances which it assumed to redress. To that bill he had been adverse; and it was also opposed by others of their lordships, and was ultimately rejected. At that time there appeared a disposition in the House to give, in some form, relief to the Unitarians. That relief could only be given in one of two ways—either by enabling the Unitarians, under certain regulations, to intermarry in their own places of worship, or by an alteration of the form of the marriage ceremony in the church of England service. To the last he objected, and still did object; deprecating as he did any alterations of that kind. It might be said that it was only certain prayers that were to be omitted; but it would hardly be argued that as great alterations might not be brought about by omissions as by substitutions: besides, the omission was avowed to be in favour of persons who disbelieved the doctrine of the Trinity. If that measure had been carried, the Unitarians were to have made use of that form so mutilated; but it was rejected by the House, and he rejoiced that it was. The only mode of relief, then, was by this bill; the two-fold object of which was the ease of the Unitarian and the security of the church. The latter would be attended to in the committee, if their lordships should agree to the bill going to that stage. It had been said that it was extraordinary

that this favour should be granted to the Unitarian dissenters, and yet be refused to others; but the ground on which the legislature proceeded was not favour, but a regard to conscientious scruples; and where such scruples existed they certainly were entitled to relief. There did appear some danger of clandestine marriages; but the consideration which was due to conscientious scruples outweighed that objection. The publication of bans in the parish church, when the usual place of worship of the Unitarian might be ten miles off, would leave a door open to evasion, which it would be desirable to avoid. As to the claim of the Dissenters generally, it was not rested on conscience; but objections stated as essential, were taken to the forms of ceremonies, few as they were, in our church, and inoffensive as they were in principle. He was friendly to the second reading of the bill; trusting that they might be able in the committee, to make such restraints and restrictions as would make it a measure which, while, in the first instance it consulted the conscientious scruples of the Unitarians, should, in the second instance, give the necessary security to the Protestant church at large.

The *Lord Chancellor* declared, that no respect could be more sincere than that which he entertained for the most reverend prelate who had just addressed their lordships, although, on the present occasion, he felt that he could not conscientiously concur with the most reverend prelate on the important subject under their consideration. On the provisions of the bill he should not touch. They would be fit matter for the consideration of the committee, should the bill reach that stage of its progress. His present business was with the principle of the measure. In the first place, if he understood the principle of Unitarianism at all, it went to deny the doctrine of the Trinity. And here he begged leave to say, that he had nothing to do, on the present occasion, with the merits of the doctrines of the church of England. The church of England he was bound to support, without examining whether the doctrine of the Trinity was or was not a part of its doctrines. He belonged to that church: he always had supported it, and he trusted he always should support it. The first question that he had to ask, was, whether the measure should be preceded by some declaration to remove any doubts which might be entertained, and which he cer-

tainly did entertain, whether to deny the doctrine of the Trinity was not at present penal? The repeal of the 9th and 10th of William had, in that respect, been much misunderstood. It was supposed, that the repeal of those acts made it legal to deny the doctrine of the Trinity. He did not believe that it did so. He did not believe that the repeal of those acts operated at all upon the common law. At any rate, the friends of the measure ought to endeavour to remove all doubt on this subject. That the acts in question were of a nature which rendered it extremely proper they should be repealed, no man living would deny; but he still doubted, whether their repeal affected the common law, by which it was a penal offence to deny the doctrine of the Trinity. The great objection which he had to the bill was, that it proposed a marriage between a member of the church of England and a Unitarian, to consult the conscience of the latter in preference to that of the former. It was evidently impossible to reconcile the religious opinions of the two parties. They were as different as light from darkness. Now, as to the existing legislative provisions with respect to Jews and Quakers, it must be recollected, that, in the cases for which those provisions were enacted, both parties must be Jews or Quakers. If, however, the present principle of granting this relief where only one of the parties dissented from the church, was to be allowed, where would it stop? If it were granted to the Unitarians could it be denied to the Roman Catholics? Why should such a privilege be granted exclusively to the Unitarians, who, of all classes of dissenters, dissented the most widely from the doctrines of the church of England? Nor had he less objection to allow the marriages made under such circumstances to be registered by ministers of the church of England. It was to make the church of England the servant and hand-maid of those who denied her first doctrines. The noble marquis had stated, that the repeal of the acts of William had given Unitarians the benefit of toleration. So it had. But what was given was only a repeal of certain pains and penalties to which they were before subject; and he believed it would be extremely difficult for any one to say, that the common-law was at all affected by it.

The Earl of *Liverpool* said, he should vote for the second reading of the bill; but if it should come out of the committee

in its present shape, he should certainly feel it his duty to oppose it. He was prepared to give relief to the Unitarians quoad Unitarians; but he was not prepared to give that relief in such a way as should affect the rights and interests and security of the established church. That church had a right to expect that those who belonged to it should be married according to its ceremonial. Where both parties dissented from the established church, as the Jews and Quakers, he saw no objection to allow a different ceremonial; but not otherwise. How was it at present, when a Catholic married a protestant? The marriage was only valid when it was performed by a clergyman belonging to the religion of the state; although, in most cases, it was performed a second time by a Catholic priest. He could not therefore agree to a marriage being valid when performed by a Unitarian minister, unless both parties were Unitarians; nor could he allow the simple declaration of the individuals themselves, when they applied for the license, to be sufficient. He thought it was requisite that they should have a certificate from the Unitarian minister, that they were bona fide Unitarians, and did not assume the character for a temporary purpose. If the bill were so qualified, he should be ready to agree to it; but not otherwise.

The Bishop of *Chester* expressed his dissent from the bill, though he believed no noble lord was more decidedly friendly than he was to the principle of religious toleration. He agreed, that in the intercourse between the creature and the Creator, no restriction should prevail, but that it should be free as the air we breathed. But, this appeared to him not a question of religious scruples, but of civil jurisprudence; not of church doctrine, but of church discipline. It would be only to waste their lordships' time, were he to endeavour to shew the advantages of a national and established religion. Those advantages had been proved by many excellent writers; and among others by the excellent author of "*Moral and Political Philosophy*"—an author who required no praise of his, and to whom he was sure the noble lord opposite would be ready to pay the just tribute of his admiration. But, if it was clear that the establishment of a national religion was advantageous, it was equally clear, that that establishment must be upheld and

protected by peculiar rights and privileges. That marriages should be celebrated in the churches of the establishment was one of the privileges which had been conceded to it; and, having been so conceded as a peculiar right and privilege, it ought not to be taken away without the assignment of valid reasons. The fair way of considering the subject was, to see what it was, according to the marriage ceremony of the church of England, that the Unitarian was called upon to subscribe, to declare, or to deny. In the first place, the Unitarian was called upon to subscribe his belief of the Scripture. He could find no difficulty in doing that. But, besides this, he was bound, in the progress of the ceremony, to say, "With this ring I thee wed, with my body I thee worship, and with all my worldly goods I thee endow: in the name of the Father, and of the Son, and of the Holy Ghost." But, were not these the words of Scripture? If the Unitarian believed in Scripture, what reasonable objection could he have to repeat those words? He might affix to them what meaning he pleased. Every one was at perfect liberty to do that. But, how could those words be considered as objectionable by the Unitarians, when the following words were used by the Unitarians themselves in the baptismal part of their form of prayer;—"I baptise thee in the name of the Father, of the Son, and of the Holy Spirit." It seemed to him, therefore, to be impossible that they could object to words in the marriage ceremony of the Church of England, which they themselves pronounced in their own forms. So far, therefore, their lordships would agree, that the Unitarians had no just cause for complaint. He wished, however, to treat this important subject fairly and without reserve; and he would therefore observe, that the marriage service of the Church added a blessing by the minister, in the following words: "God the Father, God the Son, and God the Holy Ghost, bless," &c. But, would not the Unitarian be benefitted rather than injured by the blessing of the minister of the established church? He could have no objection to its being given in the terms which, in the apprehension of the minister of the church, adequately described the Being whom he adored. The Unitarian was not bound to assent to the accuracy of those terms: he might affix to them what meaning he pleased. There was no force or compulsion upon him to induce

him to acquiesce in them. He (the bishop of Chester) would deal with a Unitarian as he should himself wish to be dealt with, under similar circumstances. Were he in a foreign country—in a country of Jews, of Catholics, or Mussulmen,—and it were necessary for him to marry, no consideration on earth should induce him to subscribe to any form of words, or to assent to any doctrines, contrary to his own conviction. But, in things indifferent in themselves, he should consider any objection as ridiculous, and should hold himself bound to comply with the established laws and ceremonies of the country. Now really, the objection of the Unitarians to conform to the marriage ceremony of the established church, seemed to be of the latter description. It did not appear to him, that by acquiescing in the terms of that ceremony, they could consider themselves, in foro conscientiæ, as sinning against any law, either of God or of man. As to the machinery of the bill, the present was not the fit opportunity to discuss it; but he would just observe, that in the bill which regulated the marriages of Jews and Quakers, it was provided, that both parties must be either Jews or Quakers. If the present bill passed into a law, let not the House lay the flattering unction to their souls, that the same privileges and immunities would not be required by all other sects of dissenters. Now, although he was far from wishing to say any thing against the Unitarians, he really did not think that they ought to be considered as a favourite sect. If, therefore, the other sects of dissenters were to be invested with the same privileges, let their lordships consider what a falling-off there would be in the number of marriages celebrated by ministers of the established church, and what a diminution of their emoluments. He certainly did not mean to lay any great stress on this last argument. If the dissenters were entitled to this indulgence, let it be granted to them—"fiat justitia ruat cælum." But, unquestionably, the effect of such a measure would be—and especially in large manufacturing towns, such as those within his own diocese—to make little livings still less. Now, really, it seemed hardly fair to deprive the possessors of those little livings of a portion of that stipend which was already sufficiently scanty. Marriage fees formed a large part of the stipend of those clergy who always resided on their livings, faithfully discharging all their sacred

functions, and from whom, therefore, it would be very hard to deduct so important a portion of their income. Such was the view which he took of the question. Whatever effect the arguments which he had urged might have on their lordships' minds, he could assure them that they had produced conviction in his own. He should be extremely sorry if the opinions which he had expressed should give offence to any person. It was far from his wish to give any such offence. But he was not so unobservant of the signs of the times, as not to remark, that those who were most clamorous for religious toleration for themselves, were the least inclined to grant even a little toleration to others. If, also, he had the misfortune to differ from any of those with whom it was his pride and pleasure to agree, that would be to him a source of still deeper regret; but every such circumstance was comparatively unimportant, when put in competition with duty. "*Amicus Plato, sed magis amica veritas.*" He trusted, that on all questions in which the interests and the stability of the church of England were concerned, their lordships would never show any thing like apathy or indifference; and that they would, on the present occasion, exclaim, if not in the exact words, at least in the spirit and feeling, of the ancient barons—"Nolumus leges Ecclesiæ mutari."

The Earl of Harrowby declared, that if he thought the bill before their lordships would, in the slightest degree, affect the interests of the church of England, it would not meet with a more determined opponent than himself. Nothing he had heard, however, satisfied him that such was the case. With respect to the first passage in the marriage ceremony, in which the bridegroom took the bride to wife in the name of the Father, the Son, and the Holy Ghost, it certainly did seem strange that the Unitarian should object to words which were introduced into his own form of prayer; although he understood that there was some slight difference, such as the substitution of "into the name" for "in the name." That, however, did not appear to be a rational objection on the part of the Unitarian. But he could easily conceive that a serious and, in his opinion, a well-founded objection might arise in the mind of the Unitarian to the expression "God the Father, God the Son, and God the Holy Ghost;" because the Unitarian conceived that the attribute of

divinity was not attributable to two of those persons. The Unitarian gave an implied assent to the propriety of those expressions, however, if he allowed them to be pronounced over him in one of the most important acts of his life. He really did think that this might be considered a bona fide and conscientious objection. He would ask their lordships whether they would be satisfied with a marriage ceremony for themselves, in which the name of Mahomet was adjoined. Marriage was a civil contract, to which it had been wisely determined to give a religious sanction. Of course that sanction was to be binding on the conscience. But, where was the propriety of involving in the marriage ceremony itself a violation of that conscientious feeling which it was expressly ordained to cherish? While he said this, he was as anxious as any man, that the security of the Protestant church generally should not be endangered, nor its authority diminished. With respect to the publication of the bans, he did not see why they should not be published in the Unitarian chapels. He was certainly not surprised at, indeed he could not regret, the existence of a jealousy on all matters which threatened to weaken the security of the church of England. But it did not on that account follow, that he should raise scruples "light as air" into matters of importance. He should vote for the bill going into the committee, in the hope that the objections to it might there be entirely obviated.

Lord Calthorpe could not help feeling that the degree of relief which this bill afforded ought to be granted to the Unitarians, as offering them an opportunity of being married without any violation of their principles; for he thought the strength of the Church did not, and could not, arise from persecution. She loved to relieve the honest scruples of men, if, at the same time, she could satisfy herself, that the measure of relief was consistent with the interests of those great and important truths which those men denied. Considering the remarkable observance of the decencies and proprieties of life by the sect of Unitarian dissenters, and considering their regular and exemplary discharge of the duties of their situations, which afforded the church a sufficient guarantee for the due and proper performance of this solemn rite by their ministers, the church ought not to press her forms upon them too strictly. At the same

time, he could not help thinking, that she ought to do something which would effectually prevent them from being identified with her. Feeling, as he did, that the doctrine of the Trinity was affirmed by the English church; that it formed the base of her structure; and that it was infused into all her articles—he could not help thinking, that she was bound to shew to those individuals who differed from her in that essential point, however respectable they might be, that she could encourage no ecclesiastical communion with them. He wished to do justice to the merits of the Unitarians, and he should do them great injustice if he did not recognize the excellence of those patriotic virtues which had often placed them in the foremost ranks of the friends of humanity and truth; but while he said this, he could not refrain from broadly and decidedly expressing his dissent from the lamentable doctrines in which they believed. He called those doctrines lamentable, for they appeared to him to strip the christian religion of all that made her the grace, the hope, and the consolation of her followers. While, therefore, he respected the merits of the Unitarians, he could not help remembering that they held opinions at variance with what the English church considered as constituting the very essence of Christianity. The church of England had, indeed, marked that doctrine in a distinct and authoritative manner; and she considered those truths, not merely in the light of speculative doctrine, but as an active and fruitful spring of action. But though he spoke of the Unitarian doctrine with pain, he did not wish to speak of its professors with harshness; for that was not consistent with the true christian mildness on which all the articles and institutions of the church of England were founded. It did seem to him, that the church owed it to herself, to her supremacy, and to the high and important truths which she taught, to mark in this bill, her total dissent from the opinion of the Unitarian dissenters. He had no apprehension, that such a step as the passing of the present bill would lead to an injurious degree of indulgence, nor to a rash and indiscreet spirit of surrendering the privileges of the church. But, at the same time that he said this, he could not refrain from applauding the conduct of those prelates, who, fearing such a danger, had deprecated any alteration whatever. He could not but rejoice,

that the bench of bishops had refrained from setting a precedent so full of danger. He admired the service of the church of England; he particularly venerated the Liturgy, which he looked upon with an affection almost equal to that with which he viewed Holy writ itself, and he thought the bench of bishops deserved the thanks of every supporter of the church of England, for having offered their fair and open opposition to the principles of this bill, although at the same time, he differed from the members of that bench, as to the danger which they supposed likely to ensue. He did not think this would afford a means for the further extension of Unitarian doctrines; for, in his opinion, human nature required something more consoling, more heart-sustaining, than their cold and precise doctrines. He did not think that such of the bishops as supported this bill could be accused of inconsistency, because they had spoken and voted against granting any further concessions to the Catholics. On the contrary, he could easily conceive, that they might oppose one, and conscientiously vote in favour of the other. He thought this to be a measure not only of justice to the Unitarian dissenters, but to the church itself. He should give his vote for its being committed, though, with the view he had of the question, he should have thought it better for the church to have asked for the relief which this bill would give them, than thus to have accorded it as a boon to the dissenters. He called it a relief to the church, for the clergy must have felt uneasy in doing that which nearly amounted to profaneness; namely, calling on the Unitarian dissenter, when appearing at the altar, to do violence to his conscience, by professing sentiments which he positively disavowed, or by using expressions which obliged him to screen himself under mental equivocation and reservation.

The Earl of *Westmorland* felt it his duty to state the reasons on which he should be induced to vote against the bill. The first ground of his opposition was, that he absolutely and distinctly objected to the principle of the measure. When he said this, he did not wish it to be supposed that he was an enemy to toleration generally, when about to be extended to any man or set of men of any particular sect; but he objected to this measure because he considered it a complete alteration of the law of the land and of the church establishment. By the law of the land,

for the purpose of protecting families in the possession of their property, and preventing frauds, the solemnization of the marriage contract was required to be in the church of England. To this general law there were only two exceptions, in the instances of Jews and Quakers. On the policy of those exceptions he should not now stay to argue; it was sufficient that they existed and were recognized by the law; but, if they were to be extended—if other exceptions to the general law were to be created—he wished to know why the alteration should be special and not general? He saw no reason why the Unitarian should be put forward in preference to other dissenters. His next objection was, that by this bill the church was made a mere handmaid, an assistant, to this particular description of dissenters, in preference to all others. He could not conceive why, if the principle of extension of right were to be allowed, it should not be rendered general, if not universal. He did not see why the Unitarians should form the only exception to the general law of the land. On these grounds, he should feel himself bound to give his negative to a measure, which, he conceived, would, if passed, form a considerable alteration of the ecclesiastical law, and of the common law of the land.

The Bishop of London said, that at so late an hour of the night he would not take up much of their lordships' time, but would succinctly state what were the grounds upon which he intended to vote for this bill going into a committee. He thought the policy which had induced the legislature to place the solemnization of marriage in the hands of the church was a very wise one. It contributed to that publicity which was so desirable in its celebration; and thereby had a tendency to protect parties from having their ignorance or their credulity practised upon by the designing and the vicious. It secured the decent and solemn performance of that which the law held to have been, in its origin, a civil more than a religious contract. This might not be, indeed, a primary view of the subject; but it went to shew the wisdom of the policy which the legislature had pursued, in conferring upon it a certain distinction, by confiding it to the care of the church. It was in this view of the matter, that he thought no alteration ought to take place in the law, except upon very weighty reasons indeed.

Now it appeared to him, that no general dissent from the doctrine of the church of England was a sufficient ground for effecting such alteration in favour of a particular class of persons. With respect to the class in question, if there was any entire and essential difference between their tenets and any doctrine recognized in our marriage-service itself, he was willing to admit, that that might constitute some ground for the sort of alteration he spoke of; but, in the present case, the fact was not so. Their lordships would remember, that some time since, there was brought into that House a bill which proposed to give relief to dissenters of all denominations, who entertained opinions that differed from those of the church of England upon particular doctrines. No sect or class was named in it. To that bill he ventured to offer objections as to the principle; but he supported the proposition for its going into a committee. In the present instance, the case was very different. In this bill, a particular class of persons was named, and their particular scruples were recited; and their lordships were told, that while the parties felt all this difficulty as to the solemnization of marriage, they were very much agreed in other points with the church. He could not agree with a noble earl in his view of such an application. It had been said, at the same time, that the Unitarians had made no particular profession of faith. Now, if any noble lord were to say to a Unitarian, that because he had married according to the rites and ceremonies of the church of England, he had therefore given up his own peculiar doctrine, and had recognized that of the Holy Trinity, the Unitarian would smile at the inference, as a calumny upon him. No Unitarian, he apprehended, had ever scrupled to be married in the church upon any such grounds. The measure before their lordships was not one which ought to override every other consideration; but, on the contrary, the House ought to take sufficient security that it should not, in any event, be abused by individuals for the purpose of clandestine marriage, or other improper purposes; that marriages to be solemnized under it should be solemnized with decency; and that, as far as possible, every fraud that it might be attempted to practise in consequence of such an act should be obviated. As the bill was at present worded, bans might be

falsely and unduly published, and marriage licences might be forged; and yet no parties were named as responsible, and no punishment was assigned as the penalty for such offences. The exceptions in favour of Jews and Quakers had been adverted to, in the course of this discussion. He would be very willing to grant all that had been granted by the legislature to them, in these respects; but nothing more. As to the Jews, it allowed them an exemption from the operation of the marriage law, where both the parties were Jews. But, what was it that the dissenters asked? A similar exemption, where one only of the parties was a Unitarian. The Jews, again, married according to a very ancient and established form of their religion: but the dissenters prayed, that parties might be married according to their religious principles. What was meant by so vague and so extensive an application as this? Among the Jews and Quakers, the parties were liable, before the solemnization of their marriage, under the permitted exemptions, to be called upon for the proof of their connexion with those persuasions. Let their lordships observe, too, what securities there existed against clandestine marriages, both among Quakers and Jews. In the case of the latter, they were derived from his prejudices, his habits, his religion, the usages of the people, and even the authority of the synagogue. There had once been a case decided, by the learned and noble judge (lord Stowell) who now sat in that House, and who had formerly presided, with so much honour to himself and benefit to the country, in the consistorial court, upon the fact only, that one of the parties to a Jewish marriage was proved to have entertained opinions that were not consonant with the religious prejudices of the Jews. The Quakers, again, were another class, among whom the same securities would always exist to a great degree. The members of any branch of this society coming from one part of the kingdom were obliged to produce testimonials and certificates before they could be received or admitted into another body of the same connexion in a different portion of the empire. Without troubling their lordships with any further detail, he believed he might say, that courts of justice had never been called on to try a single case, in which the indulgence of the legislature to the marriage of Jews or Quakers had

been to be regretted. With regard to the Unitarians, if they could give the same securities, possibly no harm might result from extending the same indulgence to them, but no such securities did they offer. For these reasons he should feel bound to vote against the bill after it came out of the committee; although he should not oppose its being committed. He wished to add one remark as to the fees of the clergy, which, indeed, was a subject that he had viewed with considerable attention, and at the same time with no small degree of pain and uneasiness. It was certainly true, that many of the clergy were inadequately paid, and it was no less true, that a considerable part of their income arose from their fees on marriages. He was unwilling to deprive them of any part of their revenue; but at the same time he felt, that though that was important, it did not equal in importance the loss which the church would sustain by being deprived of the exclusive rights and privileges of solemnizing the marriage ceremony. According to the present system, the clergyman received a pleasure in uniting together the earthly destinies of two individuals attached to each other, and they remembered with satisfaction the person who had performed the ceremony of their union, and in offering him his fee they were influenced by no cold or repulsive feelings, and frequently added if not at the time, at least afterwards, a gratuity, offered with the purest and warmest benevolence. By the operation of this bill, the clergyman would be reduced to the character of the tax-gatherer; all the gracious part of his office being abstracted. On this ground, he felt a great difficulty in acceding to the clause which secured their fees to the clergy; though, at the same time, he felt very unwilling to offer a premium to the increase of dissenting ministers.

Lord Holland said, the principle on which this bill proceeded had been so well developed by the noble marquis who had proposed it, that he did not think it necessary to enter into any further discussion on that point. He considered it as a proof that the church of England deserved the praise for liberality which had been bestowed upon it, when he heard the head of the English church express himself as he had done, in such a liberal and truly christian manner. There had been but few objections urged to the

bill, and these had been so ably answered by the noble president of the council, that he should abstain from entering generally into the subject. He must, however, call on the noble lord on the wool-sack, and on the right rev. prelate (the bishop of Chester), for a little further explanation. As to the latter, indeed, he could not but remark the truth of the maxim, that when a man was about to attack or destroy a principle, he first felt it necessary to express his loud and anxious praise of that principle which he was about to violate. The right rev. prelate had begun his speech by dealing with plain truths in such a manner, as to excite suspicion by the extravagant praise which he had bestowed upon them. He had expressed his love for toleration in the most positive terms; but, unluckily, he did not appear to have much affection for the particular application of that general doctrine to which he seemed to be so much attached. He boldly avowed, indeed, that the scruples of the Unitarians ought not to be so much respected; and he had entered into a long and ingenious argument to shew that they were not entitled to much weight with the House. But surely the only true judge of the conscientiousness of those scruples was the man who entertained them; who was not to be judged by the reasoning of others as to their fitness or propriety. It was said, that the Unitarian, by the act of marriage, did not conform to the doctrines of the church of England, and that on other occasions he used the expression—"In the name of the Father, Son, and Holy Ghost;" but, with respect to that, there was this distinction, that he only used that expression as it had been used by the holy founder of the Christian religion, and when he was enabled to annex to it the particular sense which he thought it properly bore. It had been asked, what could the Unitarian hear in the performance of the marriage ceremony which was disagreeable to him? To that might be answered—the very doctrine, which he believed to be contrary to Scripture. That question had been followed up by another—"Does it do him any harm?" Why, could the right rev. prelate recollect the oath taken at the table of the House, and say that certain things contained in it were indifferent? Would he venture to declare, that, in his opinion, the invocation of the Virgin Mary, in the Romish church,

would be a matter of indifference to a Protestant? If he could not, then let him judge the cause of others, and their feelings, by his own. It had been said by the learned lord on the wool-sack, that these objections had not been found out till the statute of William had been repealed. It ought to have been said, that until the repeal of that statute, the grievance had never been complained of. And why? because, when that statute was in force, a Unitarian could not avow himself; for if a man had declared himself a Unitarian he might almost as well have avowed himself a traitor. The same learned lord had asked, what was the common law with respect to Unitarians? Surely such a question from him must be unnecessary, for if he did not know, who could be expected to answer? If, on the other hand, he was satisfied on that point, why did he put the question so as to raise doubts and create alarms in the minds of those sectarians? Why did he go about—"Spargere voces in vulgum ambiguas?" Why did he insinuate, that the Unitarian doctrine was forbidden by the law of this country? He had asked, whether denying the Trinity was not an offence at common law. When he (lord H.) recollected the debates which had taken place in that House on the subject of religious liberty (for, with Locke, he should reject the word "toleration"), and the part which the learned lord took in those debates, it did seem strange that he should have chosen such a path on the present occasion. Surely the opinions of Locke, of Tillotson, and of Hoadley, must have been sufficient to satisfy his conscience; and it did seem very wonderful, that he should venture to differ from such authorities. If he referred to them, he would find that Locke had expressly disapproved of the Toleration act, because it did not extend specially to Unitarians. What could the learned lord, who had so deeply studied, and so warmly admired Locke—what could he say, when the opinions of that great man were found different to those which he now entertained? Could any man read the correspondence of that great writer, and not be convinced that in the passage, beginning "*Cæteri tui similes*", he had referred particularly to the Unitarians, who were also mentioned in his other writings? Surely not, and if they had any respect for that celebrated author, or for his opinions, they would pause before they

ventured to disclaim and deny the principles for which he had contended. Christianity had been called "part and parcel of the law of the land." It was lord Hale, he believed, who first said this of Christianity; but the doctrine was afterwards more sensibly and emphatically laid down by lord Raymond. This happened in the famous case of the *King v. Woolston*. On that occasion the learned judge had said he would not allow it to be debated, whether Christianity was authentic, because it was in fact a part of the law of the land; but he begged it to be observed, that by this he meant Christianity generally, and not the tenets of any particular sect of Christians. Why, then, he must ask here, what was Christianity? Was it a belief in the Holy Scriptures, or was it a belief in certain expositions of those Scriptures by human beings? He would leave the noble and learned lord on the woolsack to choose, in the dilemma to which he must be reduced. If the first point were held, then the Unitarians were Christians in every sense; for they held the Scriptures to be as sacred as any of their lordships. They held them to contain the rule of right, and the rule of faith, and by them alone they stood. If it were said, on the other hand, that those persons only were Christians who believed the Holy Scriptures as they were expounded by the church, then, if the noble and learned lord held that, it followed, that he must be prepared to hold also, that before the reign of Henry 8th, the Roman Catholics were the only Christians in England; for until that period the Roman Catholic religion was part of the law of the land. —Another of the objections which had been raised was, that the proposed measure would make the church of England ancillary to the Unitarian dissenters. He did not see the force of this objection. Did the church of Ireland consider itself in the light of a handmaid? He did not believe it did. He suspected that, until the passing of lord Hardwick's marriage act, the church had never exercised that right which it was contended she could not forego without derogating from her dignity. All foreign marriages, previous to that period, were celebrated according to the *lex loci*; and all marriages duly celebrated by a priest, whether of the church of England or of Rome were binding. As to the pathetic part of the speech of the learned prelate, in which he had deplored the hard fate of the clergy-

man, who, by this bill, would be deprived of his fees, all he had to say in reply was, that the bill provided they should have their fees. "But," said the learned prelate "those for which the bill provides are only the actual dues, and beyond these dues it is usual for parties to give a small gratuity on the solemnization of marriages which forms a considerable source of emolument to the officiating clergyman." Well! it might be so; but was it not at least as likely that an Unitarian would be willing to bestow as large a gratuity when he had his marriage solemnized and registered in such a manner as should satisfy the scruple of his conscience, as when it was performed in a manner irksome and painful to his feelings? It was said, too, by a noble lord, why should we grant this favour to Unitarians alone—why was it not granted to every other sect? After the answer which had been given to this question by the noble president of the council; he would not take up the time of the House any more than by saying—merely because the others did not ask for it, and they, the Unitarians, did. He could not help thinking that the Unitarians were very hardly dealt with. If general relief was sought for them, up jumped the noble and learned lord from the woolsack, and complained that it was too general. He said, that it did not appear what sort of dissenters they were—whether they were the disciples of Joanna Southcote, or Jumpers, or Shakers; and feared, if the relief were given in this shape they would not be able to make head nor tail of it. He therefore proposed that it should be postponed until the next session and then that the points should be discussed one by one. Then, when the next session came, the noble and learned lord said, why should we give relief to one? He (lord H.) said, it was the plainest and best way to give relief to them as they came to ask for it. If no danger should appear in doing so, he would grant it to all; but it did appear to him to be the most strange, unparliamentary, and illogical reasoning that could be imagined, to say "We will not give you the relief you ask for, because there are others who want it as much as you, and they do not ask for it." It might be a very good reason for granting the relief to all, but it could be no reason for withholding it from any. Highly as he held private judgment, he held religious liberty still higher, and he would not, therefore, have the member of

any one church call on another for conformity to his opinion; but those who thought conformity absolutely necessary in other cases, must waive it here, for the marriage ceremony was merely a ministerial office of the clergy; and, if he might express his opinion on that point, he must say, that he should be equally well pleased to see that part of the office which consisted in registering the marriage, performed by a magistrate as by a clergyman. That however was not the law, and on that subject he should observe no further. He should have been pleased if the clause relating to marriages by license had been left out, and the parties had been permitted to marry by bans in their own church. The right rev. prelate who spoke last, had said, that he felt more hurt at the loss of the exclusive privilege of marrying, than at the loss of the fees, for that the clergyman who performed the ceremony felt a pleasure in its performance. That was undoubtedly a good feeling; but if the clergyman felt any pleasure in solemnising the marriage according to forms obnoxious to the parties married, he must at least feel equal pleasure in confirming, by signing the certificate and registry of that marriage, the happiness of those parties who had been united to each other in a way which did not shock their conscientious scruples. If, as had been somewhat awkwardly expressed, Christianity was part and parcel of the law of the land, and Christianity was founded on the Holy Scriptures, as the rule of faith, then was the Unitarian a Christian, and then could he say, that in no manner did he offend against those laws which allowed him the full liberty of extending his opinion, and diffusing the principles of his sect. If he was no enemy he should be treated as a friend, and allowed that liberty in the point of marriage, which the law did not refuse him in any other respect.

The House divided: For the second reading 35. Against it 31. Majority 4.

HOUSE OF COMMONS.

Friday, April 2.

[ST. CATHERINE'S DOCK BILL.] Mr. Grenfell rose to move the second reading of this bill, and stated, that he should have confined himself according to the usual practice, to moving the second reading, in order, when that motion was carried, to refer it to a committee up stairs

where alone it was practicable properly to examine it, if he had not known that an opposition was to be made to the present motion. The bill was calculated to secure to the public a very great public advantage; namely, additional dock and warehouse accommodation for the increasing trade and navigation of the port of London. Of the fact of this increase he needed no better evidence than the account of the exports and imports from 1798, when the present dock establishments were formed, to the present time. The increase of imports was from thirty millions to fifty-six millions; and this increase had been accompanied by a corresponding increase of the ships moored in the river Thames. The increase had been gradual and progressive. In 1798 it was thirty-millions, in 1806 thirty-six-millions in 1819 forty-six millions, in 1823 fifty-six millions. But, besides this increase, the recent measure introduced by the late president of the board of trade, now master of the Mint, rendered more extended accommodation necessary. That measure, the Warehousing act, allowed above two hundred new articles to be lodged in warehouses in this country, and could not fail greatly to extend the deposit trade of the country, and to create a demand for additional accommodation. The company who were to be incorporated by the present bill, asked for no exclusive privileges.—They had no wish to interfere with the existing companies. They only wished to increase that accommodation in the port of London. It was natural that those companies which had had the monopoly of warehousing for the last twenty years, should wish to oppose the measure; but their hostility was the very reason which should induce the House to support it.

Mr. C. Calvert said, he could not be influenced to oppose the bill by any interest in the existing Dock companies, as he was not a proprietor in any one of them; but he opposed it on this ground, that there was at present accommodation for hundreds of thousands of tons of goods more than were brought to this country. He alluded particularly to the warehouses in the parishes of St. Olave and St. John's, Southwark, where gentlemen had invested their fortunes in warehouses, and whose rights ought not to be interfered with without necessity. He moved, "that the bill be read a second time this day six months."

Sir *Joseph Yorke* said, he should fire off his squib against this little blue-eyed nun of St. Catherine's. He understood this piece of business was supported by eighteen gentlemen and a half; that was to say, by eighteen gentlemen who put down 50,000*l.* a piece, and one who put down 30,000*l.* Where this money came from he could not tell; he hoped not from members of that House. He did not oppose the bill because there was already a sufficiency of Dock accommodation, for if the gentlemen chose to lose their money, they had a clear right to do so, but because the twenty-five acres of ground on which the docks were to be built, and which now contained 1100 houses and 10,000 souls, had been wanted twenty years ago by the London Dock company, and had been refused for sound and wholesome reasons. There were no reasons that prevailed twenty years ago that ought not to prevail now, unless it were said, that the late excellent queen Charlotte, who was now removed from this world to one infinitely better, had some property in that quarter, which there was a delicacy about touching, but which delicacy was now removed. He had a great affection for docks, as he thought the river itself should be kept free, as the high road of nations; but, as this new company wished to thrust itself into the place which should have belonged to the London Dock company, resting on those docks on the right, and on the Tower on the left, he should try to keep the contending parties separate.

Mr. *J. Smith* could not discover in the copy of the bill which he had seen, any sufficient necessity for the measure. This perhaps might be shown in the committee; but, unless that was done, he should object to interfere, to the extent that was proposed, with private property.

Mr. *Hume* said, that sufficient notice had not been given. There were 10,000 people who were entitled to six or eight months notice under the standing orders. These orders, which were rules for the protection of private property, should not be slightly superseded. On this ground, he should oppose the second reading.

Mr. *Manning* said, he had presented a petition from the London Dock company against the bill, in which it was stated, that they had foundations laid for warehouses capable of containing 2 or 300,000 tons of goods, which had not been pro-

ceeded with for want of sufficient encouragement. This went to prove that there was not that clear case of necessity which would justify the departure from their standing orders.

Mr. *T. Wilson* supported the bill. It was not enough to say, that there was room in the present docks, to render the establishment of new ones inexpedient. If the new Dock company could carry on the business at a cheaper rate; if they could afford better accommodation; or, if the probability of a new and growing trade was made out, there was a good reason for passing the bill. The bonded trade could not be carried on in the warehouses that were not within docks.

Mr. *Bright* contended, that the standing orders ought to be enforced. Here was a whole town thrown into confusion by a sudden project, of which the parties who were to be expelled from their homes had no notice until the 6th of March. If a new dock was required, why not give due notice? What necessity was there for pressing the bill until next year? The fact was, that the parties would, by the delay, be compelled to pay a larger price for the ground than its present value. They ought to uphold their standing orders, which enjoined due notice, or else abandon them altogether.

Mr. Alderman *Heygate* said, that having presented two petitions against this bill, it should have his most determined opposition. He was surprised that his majesty's ministers should have given the measure any countenance by suspending the standing orders, when they found that its execution would be an act of tyranny and cruelty towards a large body of individuals. It was a cruel attack upon individual rights, without any paramount necessity. Let the supporters of the bill be called upon to show that the growing trade of the port of London indispensably required the new dock; but they knew that to attempt such proof was impossible, since it was notorious, that many of the existing dock companies had plenty of room unoccupied. There were in London at present six dock companies: two of them paid no interest; one paid $3\frac{1}{2}$ per cent; the London Dock paid $4\frac{1}{2}$ per cent; and two others paid more than 5 per cent; because one of them had enjoyed a particular monopoly, which had just ceased, and the other had a monopoly which would expire in two

years. What sort of prospect did this hold out? But, he might be told that this was the affair of the subscribers. If it was only their own money which they fooled away, this answer might be valid; but they were to turn hundreds of people out of their habitations. To pass the bill was not to encourage fair competition; for what chance had a wharfinger against a body of subscribers, invested with parliamentary immunities, and whose fortunes were not answerable for their misconduct, except to the amount of their shares? This bill was one of those projects which had grown out of the high price of stocks, and which, if stocks fell again, would disappear like the South Sea bubble.

Mr. *Haldimand* said, it was perfectly true, that if consols had not been at 95, this undertaking might not have been thought of; but, if the interest of capital was so low that it forced itself into new channels and reduced the rate of profit in old ones, was it not natural that docks also should feel the influence; and how could that happen but through the competition of new companies? He corrected the statement of the gallant admiral, that this ground had been refused to the London Dock company. The fact was, that company had been authorized to purchase it, but had preferred a spot lower down, where they would have to pay less compensation money. The warehousing system could not be carried on, except in docks in the situation of the proposed one. He was not ashamed to avow himself one of the "18½ gentlemen" mentioned by the gallant admiral; but he should not have subscribed to it had he not conceived it would be a public benefit.

Mr. *Butterworth* opposed the bill, as a measure which would entail ruin on thousands.

Mr. *Littleton* opposed the bill, on the same grounds as the hon. member for Bristol. Every bill of this kind was an invasion of private property, for an alleged public purpose; and the thousands of persons whose property and means of living were affected by the bill, were—at least—intituled to notice. There could be no better occasion than the present, for setting their faces against the sessionally increasing disregard of their standing orders.

Mr. *W. Smith* said, that an extremely strong case had been made out against the violation of the standing orders, es-

pecially as there was no immediate necessity for the Docks, which were only supposed to be necessary in consequence of the increase of trade, which it was supposed might arise from the bonding-system. The warehouses of the existing docks were not full, and never had been, except during a temporary influx of wine, when the French invaded Portugal; besides, the present warehouses were so constructed, that, by adding story on story, their capacity might be indefinitely increased.

The *Chancellor of the Exchequer* said, he was so far cognisant of this bill, that the parties interested in it had, in the early part of the year, come before his majesty's government, to know whether they would have any objection to the measure. The answer given by the government was, that, in point of principle, they saw no objection to the establishment of a new dock, if it could be shewn that benefit to the public would result from it. So far they had expressed acquiescence; but they certainly were not aware of all the circumstances of the case. When so many interests were affected, the question as to the standing orders became one of considerable importance; and undoubtedly, if the standing orders had been strictly enforced, the bill would not have arrived at its present stage. Under all the circumstances, he thought it would be better to allow the bill to be read a second time, and to investigate its merits in the committee. If it should then appear, that the bill could not pass without occasioning great hardship to a number of individuals, this would certainly constitute a ground for its rejection at the present time. On the other hand, it might turn out, that the case, as it affected those individuals, had been greatly over-stated. Most of them, for instance, might be tenants at will; and in that case, the degree of hardship would be much less, because they would be compelled to quit, if the proprietors of the soil were disposed to acquiesce in the propositions of the subscribers to the dock. He repeated, that in principle he had no objection to the measure of erecting a new dock, with a view to extended competition and increased commercial advantages; and he could not object, therefore, to the second reading of the bill.

Mr. *Wallace* said, that with respect to the question as to the standing orders, those orders had been repeatedly dispens-

ed with, and the expediency of dispensing with them in the present case had been decided by a majority of the House. There had appeared a paragraph in one of the newspapers, which would let the House into the secret of the opposition to this bill; it stated, that the parties whose interests were most strongly opposed to the measure, were the proprietors of the East-India, West-India, and London Docks. If these three parties succeeded in obtaining the rejection of the bill, they would have a complete monopoly of the trade; which would probably end in driving from the port of London its fair proportion of the trade of the country.

Mr. Grenfell, in reply, said, that so far from 10,000 persons being exposed to inconvenience from this measure, the whole number of inhabitants within the precincts of the parish of St. Catherine did not amount to 5,000. He might add, too, that out of 11 or 1,200 householders, 300 had expressed their assent to the bill. Upwards of 1,100 of the principal mercantile gentlemen in the country had concurred in the expediency of the measure.

The House then divided: For the second reading 74. Against it 55. Majority 19.

ANGERSTEIN COLLECTION OF PICTURES.] The House resolved itself into a committee of supply. On the resolution, "That 60,000*l.* be granted, to defray the charge of purchasing, and the expenses incidental to the preservation and public exhibition of the Collection of Pictures which belonged to the late John Julius Angerstein, Esq. for the year 1824,"

Mr. Agar Ellis said, he could not refrain from expressing his thanks to his majesty's government for having purchased this valuable collection of pictures. He was sure that every person who was at all acquainted with the arts, would agree with him in saying, that no private collection of pictures could be better suited to form the basis of a national gallery. All the pictures were of the very first excellence. Indeed, there was not one of them which it would not be almost a calumny to call a moderate picture. He trusted that the present would form a new era in the history of the arts in this country, and that the advantage which was now given to our own school of painting, by placing before it first-rate models, would tend to

advance its character and renown. If there were any gentlemen in that House who disapproved of the expense to which these pictures were putting the country, he would ask them, whether they might not be productive of emolument to the nation, even in a pecuniary point of view? What was it that attracted so many travellers to Italy, but the numerous works of genius which were contained in it? And, if a similar collection were made in London, was it not likely that a similar cause would produce a similar resort of strangers to it? He hoped that his majesty's government would not stop short in the great work which it had undertaken, but would proceed steadily and progressively in it. He would not recommend it to purchase any more whole collections: for, in all probability, they must contain many moderate pictures, and moderate pictures ought not to be found in national galleries; but he would recommend it to purchase single pictures of acknowledged excellence, whenever any such pictures came into the market. By such means, they would obtain the best specimens of the best masters, and would so erect a gallery which would be no less beneficial to the taste, than it would be conducive to the glory of the country.

Mr. Bernal said, it appeared that there was to be a keeper of the gallery, at a salary of 200*l.* per annum, who was to have the charge of the collection, and to attend particularly to the preservation of the pictures, and that lord Liverpool was of opinion, that the person to be appointed to this office should be competent to value, and, if called upon, to negotiate the purchase of any pictures that might in future be added to the collection. Now, he really thought that a salary of 200*l.* was too small a remuneration to a gentleman possessing such qualifications.

Sir C. Long spoke in terms of the strongest praise of the pictures which formed the late Mr. Angerstein's collection. They were selected by the judgment of sir T. Lawrence, and appeared, on inspection, so exquisite to his majesty, that he it was who had first suggested the propriety of purchasing them for the nation. Indeed, they were generally considered the finest models of art that could be submitted to the contemplation of the artist. He agreed with his hon. friend, that the plan which the government ought to pursue in forming this gallery, would not be to purchase whole collections, but to buy

single pictures of undisputed excellence, and that, too, at a liberal price. With regard to the remarks made by the hon. member for Rochester, on the smallness of the salary to be paid to the keeper of the gallery, he would merely observe, that the person who was appointed to superintend it was as well qualified for such an office as any man could be, and that he was perfectly satisfied with the salary annexed to it. If, at any future time, it was found insufficient, government could ask the House to increase it. It ought to be recollected, that this officer did not give up the whole of his time to the gallery, but was only required to attend in it occasionally. There was another officer, whose duty it would be to devote his whole time to this collection.

Mr. *A. Ellis* bore testimony to the qualifications of the gentleman appointed to superintend the collection. He wished to know, however, who was to superintend the superintendant?

The *Chancellor of the Exchequer* said, the general control and superintendence would be in the Lords of the Treasury. He did not apprehend, however, that it would be necessary to exercise that control with any degree of violence.

Mr. *Hume* said, that as it was at last determined to make a national gallery, and by so doing to rescue the country from a disgrace which the want of such an establishment had long entailed upon it, he trusted that responsible individuals would be selected to take care of the pictures which had already been purchased. Some regulation of that nature was rendered necessary, by the recollection of the injury which had been sustained in the British Museum by the want of it.

Sir *C. Long* trusted, that he had convinced the committee, upon a former evening, that there was no reason to complain of the trustees of the British Museum. Indeed, he had cause to believe, that the hon. member for Shrewsbury who had brought forward the charge against them, was convinced that it did not rest upon any accurate foundations.

Mr. *A. Ellis* was so far from thinking that there was any ground of complaint against the trustees of the British Museum, that he had been about to suggest, that they should also be made trustees of this national gallery.

The resolution was agreed to.

CONSULS TO SOUTH AMERICA.] On the resolution, "That 34,450*l.* be granted to defray the outstanding charges for Outfit and Salaries to his Majesty's consuls-general, consuls, and vice-consuls in Spanish America, in the year 1823; and also to defray the probable charge for Salaries to the said consuls-general, consuls, and vice-consuls, for the year 1824."

Mr. *Hume* rose to ask a question. Was it to be understood, that, after this grant was made to the consuls and vice-consuls in Spanish America, the British trade in that quarter of the globe was to be free from the imposition of any further toll to them? He did not object to the amount of the salaries which it was proposed to give these gentlemen; for he thought that they would not get men of respectability to fill them, unless they were properly remunerated. He was, however, anxious, that our different consuls should be paid by the public, and should be debarred from receiving any fees, save such as were merely nominal, upon the delivery of certificates required in the course of trade. Whilst he was upon the subject, he would suggest a plan to his majesty's ministers, which several eminent merchants had informed him was calculated to obviate many of the vexatious difficulties which they sometimes experienced in foreign countries, owing to the uncertain nature of our consular fees. The plan was this—that the captain of any ship, on clearing out for a foreign port at the custom-house should be entitled to ask and receive a printed copy of the consular charges at all the ports at which he was likely to touch in the course of his voyage. It might be said, that such a plan could not be put into execution without some expense. He allowed that it would occasion some trifling expense; but it ought not to be regarded, when it was considered that it was incurred on behalf of the commerce of the country, and that that commerce was the chief source of its strength and revenue. He was certain that if our consuls were paid fixed salaries and were only allowed to receive certain small stated fees, many of the difficulties would be removed with which our commerce was at present impeded.

Mr. *Huskisson* was, to a certain degree, of the same opinion with the hon. member for Aberdeen, with regard to paying our consuls out of the public revenue. He intended, within a short period, to bring in a bill to enable government to pay them

out of the public purse, and to establish some uniformity in the system by which they were remunerated. At present nothing could be more vague and uncertain than the manner in which they obtained their emoluments. In some places they had fees, in others they had none; in some places they exacted high, and in others they exacted only trifling duties. He wished to reduce them all to one uniform practice; and to effect that purpose, he would give them fixed salaries and allow them certain moderate fees on the different commercial instruments which it was their duty to make out in the ordinary course of trade. He would also propose to levy a small tonnage upon all ships touching at the ports where we had consuls; and he would propose it for the purpose of defraying certain incidental expenses that were not paid out of the public purse; such as those for distressed or ship wrecked-seamen and others of a similar nature.

Mr. *Hume* expressed himself well satisfied with the observations which had fallen from the right hon. gentleman, and said, that if there were any points on which he differed from him, they might be discussed when the right hon. gentleman brought his bill before the House. He would take that opportunity of expressing his thanks to the right hon. secretary for foreign affairs, for the attention which he had paid to a subject, in which, though he was not himself personally concerned, the public were largely interested. He alluded to our trade with the Brazils. He could not at present say what effect the regulations which the right hon. secretary had made might have produced abroad; but this he could not say, that they had given perfect satisfaction to all persons at home engaged in that trade. Before he sat down, he would suggest to the right hon. president of the board of trade, whether it would not be advisable, in any future regulation, to prevent consuls from deputing their duties at will to any person, they might choose to appoint as vice-consuls.

ARMY EXTRAORDINARIES.] On the resolution, "That 620,000*l.* be granted to defray the Extraordinary Expenses of the army for the year 1824,"

Colonel *Davies* objected to the item in this grant, charging 2,300*l.* for pensions to the knights of Malta. His objection was founded on this ground—that, of the

parties who received these pensions, some were not knights of Malta, and others were receiving pensions from the island of Malta itself. He considered this item to be as gross a job as ever was perpetrated by any administration. Last year he had not seen it in the estimates; and he had hoped it had been withdrawn for ever.

Mr. *W. Horton* observed, that the item in question was a payment made on account of the government of the island of Malta. A special injunction had been given to that government to make inquiry whether the parties who received these pensions were entitled to be considered as knights of Malta. That inquiry was not in progress; and it was thought right not to withdraw the pensions until it was concluded? The pensions had been granted to the parties who now held them from motives of humanity, during the French revolution—an event which had reduced the greater portion of them from comparative opulence to the most wretched state of want and destitution.

Mr. *Hume* wished to draw the attention of the committee to the very great expense to which this country was put, on account of the islands of Guernsey and Jersey. They were, so far as this country was concerned, altogether free from taxation: the revenue of the Crown was wasted; at least no part of it was appropriated to the service of the islands, and the people of England were constantly called on to meet every expense. He observed a charge of 4,471*l.* for extraordinary military expenses, on account of the staff. Now, he had formerly moved for a correspondence between his majesty's government and the authorities in the islands, from which it appeared, that a part of this force was not wanted, and was really considered a nuisance. He had received a communication from a highly respectable individual, who stated, that nothing would be more grateful to the inhabitants of these islands, than the removal of the staff, for the support of which the people of England were obliged to pay. If those islands must have the protection of the British government, they certainly ought to defray a portion of the expense. It would shortly be his duty to present a petition to the House on the subject. It was the work of a gentleman who had gone through those islands; he had put his observations on paper, and he stated, very distinctly what, in his opinion

the islands ought to contribute towards defraying the various expenses incidental to their government. It was a fit subject for the House to take into its consideration. He was quite sure the estimate might be reduced one half, without crippling the service in the smallest degree. He had himself made out a list of various items which might be greatly reduced. If the right hon. gentleman opposite would make use of any hint it contained, it was entirely at his service. It was fit the country should know what became of the revenue of these islands. Situated as Great Britain was; her expenditure ought to be lessened in every possible way; but though these islands were capable of producing a certain revenue, the people of England were obliged to pay for their civil and military establishment. The latter was wholly unnecessary; for the inhabitants of the islands would consider it a pride to clothe and arm the militia, but government would not allow it.

Mr. Secretary *Peel* understood the hon. member to say, that he could throw out some suggestions by which the expenses of Guernsey and Jersey might be lessened. If the hon. member would favour him with those suggestions, they should receive the fullest attention. It was his duty to listen to such communications; and, if a curtailment of expense could be effected, that object certainly should not be neglected. When the hon. gentleman presented to the House the rather extraordinary document (for it was not a petition, but a two or three months' tour through Guernsey) to which he had alluded, he would read it with attention. With respect to the military part of the question, he might observe, that the constitution of these islands was of a very ancient date, and that no individuals were more jealous of their old customs than the inhabitants were. According to their laws, every male, from sixteen to sixty, was bound to military service. But it was deemed better to have a few expert soldiers, than an undisciplined rabble; which would probably be the case if they were left to clothe and arm themselves; and therefore it was necessary that a staff should be kept up.

CIVIL CONTINGENCIES.] On the resolution, "That 106,507*l.* be granted to defray the charge of Civil Contingencies, for the year 1824,"

Mr. *Hume* directed the attention of the committee to an item of 1,810*l.*, being the amount of a bill drawn by Mr. James Walker, who was employed on an experiment relative to free labour amongst the negroes. A number of slaves had been given up to government for the purpose of this experiment; and all he said was, make use of their labour, teach them to support themselves, but do not call on us to maintain them.

Mr. *W. Horton* said, the experiment was an important and a useful one. The commissioners who were now in the West-India islands had made a report on the subject, which would be laid before parliament. It would then be for the House to decide, whether this establishment should or should not be kept up.

Mr. *Hume* said, he had stated, four or five years ago, that these slaves were perfectly competent to support themselves. In the possession of an individual, they would be a property; but in the hands of government they became an expense. If they were set free to-morrow they would maintain themselves, without assistance from this country. Such was the plain state of the case. He wanted no report from the commissioners to enable him to decide on a subject of which he could judge as well as themselves. He now begged leave to draw the attention of the House to a charge of 620*l.* for conveying the insignia of the order of the garter to the king of Portugal. This was an expense which he did not think the public ought to bear. If the country were to pay for honours granted by the crown, it ought to be shown that those honours were deservedly bestowed. In this case, the public, looking to the conduct of the individual selected, considered the proceeding rather as a disgrace than an honour. When the Portuguese government had violated its contract with the people, was it becoming in an English parliament to vote a sum of money for defraying the expense of an honour conferred on the head of that government? He hoped that something might be stated to show either that the time formerly justified the granting of the honour, or that some very peculiar circumstances called for it at present.

Mr. Secretary *Canning* said, that as to the time, this honour was not of a recent date. It was conferred several years ago, when a similar mark of respect was bestowed on the king of Denmark, and

various other sovereigns. Circumstances, however, intervened, which prevented its being then sent out. With respect to the conduct imputed to the king of Portugal, he would only say, that as the order was not bestowed on account of any event which had occurred in the interior of that country, neither could it, when once conferred, be withheld in consequence of any thing that had since taken place there.

Mr. *Hume* wished to make a few observations on the charge relative to foreign ambassadors. He had last year shown, that the expense, on an average of the five preceding years, was 300,000*l.* per annum. This, exclusive of what was paid for consuls, was a very large sum, and every means ought to be taken to reduce it. It would give him great satisfaction if he should find that he was mistaken in what he was about to state, relative to the expense of the embassy to Holland. It was said, that last year the Dutch government intended to reduce, in the diplomatic scale, the rank of the individual who was to act as ambassador to England; and that of course a gentleman of similar rank would be sent from this court to the Hague. He understood the Dutch government had come to a resolution of that nature; but that, so far from his majesty's government approving of the alteration, and seizing the opportunity which it afforded of reducing the expense, they had absolutely solicited the Dutch government to keep up the rank of the ambassador, in order that they might send one of equal *grade* to the Hague, and thus continue the usual rate of expense. He heard this with feelings of great regret; because, if the fact were so, it afforded a strong proof that no disposition existed to lessen the expense in this department. If the report were incorrect, he should be glad to hear it contradicted.

Mr. *Canning* said, the hon member had been quite misinformed, if he supposed that such a request as he had alluded to had been made by his majesty's government. It did not follow, as the hon. gentleman seemed to think, that a reduction of expense should naturally attend a reduction in the rank of the ambassador sent to this court from Holland. He believed that for fifty years, it had been the constant policy of this country to have an ambassador of the first class at the Hague, even though the Dutch ambassador was not of equal rank.

Mr. *Hume* observing a charge for ex-

penses incurred by sir William Congreve, in prosecuting his inquiries as Inspector-general of gas-light companies, wished to know by what patent he held that office? If it were an appointment under the crown, did it not bring the hon. baronet under the act of queen Anne? It certainly was a new office; for gas was not known in that queen's reign; and considering the appointment as a new one, was it of such a nature as to vacate the hon. baronet's seat in that House? He also wished to know what was the annual expense.

Mr. Secretary *Peel* said, the appointment took place in 1821, under an act of the legislature. At that time more fear was entertained of the danger which might be expected from the explosion of gas than at present. In 1817 and 1818 two acts were passed, which gave to the secretary of state the power of appointing an inspector. The appointment, therefore, was not in the crown, but in the secretary of state under the act of parliament. The hon. baronet had proved himself to be a most useful officer, and he received no more than a remuneration for the actual expenses he incurred. He had reported last year that the same degree of apprehension no longer existed as was formerly entertained; but still it was thought expedient, that the secretary of state should have an opportunity of knowing how the gas-works were going on; and he hoped, that next year, the same skilful individual would give him the benefit of his scientific knowledge. As this was not a new appointment under the Crown, it did not come under the act of queen Anne; and of course did not vacate the hon. baronet's seat.

Mr. *Lambton* observed, that the hon. baronet, in his reports, had furnished suggestions of considerable importance; some of which had been acted upon. Every one who knew the extreme danger to be apprehended from the explosion of those gasometers, must be pleased to see the attention of a gentleman of so much science and knowledge directed to the subject. He thought that the right hon. secretary, in continuing the office, did nothing more than his duty. The salary paid to the hon. baronet, was, he thought quite inadequate to his services.

Mr. *Hume* denied the assertion, that sir W. Congreve had made valuable reports on which the gas-companies had acted. He had, it was true, made reports, in which he spoke a great deal about the danger of our being blown up by the ex-

plosion of gas—all of which was afterwards contradicted. The hon. member had spoken of the science and knowledge displayed by sir W. Congreve; but it appeared to him, that the hon. member knew nothing about the business. The hon. baronet asserted in his reports, that if the gasometer were approached by fire, it must immediately explode: but sir H. Davy, and other really scientific men, proved the contrary. He had no interest in this question, but the hon. member had; for he supplied the material of which gas was made. When the extraordinary bill was brought in on this subject, he, though not interested one way or other, found it necessary to have it sent to a committee up stairs, where evidence could be examined. Gentlemen talked of the danger of gasometers being blown up. He repeated, that it was hardly possible for a gasometer to be blown up. The situation of gas-inspector was unnecessary; but if necessary, sir W. Congreve ought not to have been the person appointed to it; for no man could have any knowledge of chemistry who could make such a report as the one now on the table. At least the salary of the gas-inspector ought to be a definite one.

Mr. Lambton said, that the hon. member for Aberdeen had treated him as an interested party in the present discussion, because he might be supposed to supply the article from which the gas was manufactured. The hon. member, however, if there were any force in his argument, would stand, in his own person, exposed to the effect of it; for, if he did not absolutely supply the gas companies with the material from which their smoke was produced, they might go to him, if they pleased, for the pipes which conveyed it.

Mr. Secretary Peel observed, that Mr. Millington, to whom the hon. member had just adverted, said in his evidence, with respect to the danger from the explosion of gasometers, that the blowing up of the one in Dorset-street would probably bring down all the adjacent houses in Fleet-street. Dr. Wollaston, too, had distinctly declared, that his opinion as to the properties of gas had been altered by that very report of sir W. Congreve, to which the hon. member for Aberdeen objected. The most respectable chemical authorities, sir H. Davy among the rest, had spoken in strong terms of the danger likely to arise from the explosion of gas; and the House would say, under such

circumstances, whether it was not fit that the secretary of state should have the means of knowing the condition of the gas institutions, and the precautions which were used, from year to year. The very report quoted by the hon. member for Aberdeen stated, in terms, the necessity there was for the secretary of state to be watchful on the subject; and, so long as sir W. Congreve would consent to hold the office of inspector, no person could be more fit to be intrusted with it. Upon the claims of that gentleman, generally, to the gratitude of the country, he should not say a word; because he was sure they were already sufficiently appreciated.

Mr. Leslie Foster said, that the possibility of the explosion of gasometers was sufficiently proved by the fact, that one gasometer had exploded and done considerable mischief. He certainly approved of the appointment of an inspector.

Mr. Dawson defended the appointment of sir W. Congreve.

Sir W. Congreve would only say, that he had accepted the situation in question, under a conscientious belief, that the duties of it were most necessary to be discharged. As far as his experience had gone, he thought inspection from time to time, very necessary. In one instance he had found a gasometer floating in coal tar, instead of water; coal tar being an article of the most combustible description. In other cases, large fires had been kept in the neighbourhood of the gasometers; which he considered unsafe. He had also recommended, as a general principle, the use of smaller gasometers; and in some quarters his suggestions had been adopted.

Mr. Alderman Wood said, that he claimed from the secretary for the home department, in behalf of the city of London, that the gas-master, or general inspector, or whatever designation that wonderful person bore, should inspect the Mansion-house. There was a very large gasometer there, over which he himself had slept for two years. He spoke for the safety of future lord mayors, as it was most probable he should not, though he hoped frequently to dine, sleep there again. There was another gasometer, too, at the Bank; which perhaps would not be the worse for an occasional call, on the part of the gas-master.

The several resolutions were agreed to.

ALIEN BILL.] The order of the day being moved for the second reading of this bill,

Mr. *Hume* said, that it had been the determination of a number of members of that House, who were decidedly hostile to the spirit and principle of the Alien bill, to allow no one stage to pass, but to resist its progress from its introduction. In consequence, however, of rumours that had transpired respecting certain views, supposed to be entertained by the right hon. secretary for foreign affairs, they were most solicitous to obtain the benefit of his information on the subject, and to hear, from such an authority, the arguments upon which he considered it expedient that such an unconstitutional measure should pass. On a former night it had been contended by the right hon. secretary for the home department, that the powers sought by this bill were powers which the kings of this country had, for centuries, in right of their prerogative, possessed. And yet there was a right hon. colleague of the right hon. secretary (Mr. Wynn) who had denied that such a power was vested in the throne. It was natural, therefore, between these two discordant authorities, sitting in the same cabinet, for members of that House to feel most solicitous to know the opinion of the right hon. the secretary for foreign affairs, and to be made acquainted with the views on which he recommended its adoption. What, he would ask him, did he discover in the internal state of our relations, or in the character of our foreign policy, to justify the passing of a bill, which was at variance with the ancient policy and acknowledged hospitality of the country? Could its adoption be accounted for under any other impression, than that there existed a secret understanding between our government and the absolute sovereigns of the continent, to act in concert against those whom these sovereigns were disposed to persecute; that whenever the emperor of Austria, or the king of France, were pleased to declare a foreigner obnoxious to them, he was to be expelled from our shores? If there was no such concert, no such secret understanding—surely the House had a right to be informed what the actual motives were, and to obtain the fullest explanation, before it agreed to continue an act so hostile to our national character. Was there no law on our Statute-book in favour of foreigners seeking the hospitality

of our soil? Had the great charter not acknowledged the principle? The very fact of an uniform and uninterrupted practice for centuries was a full acknowledgment of our policy. Nothing could be more decisive of the principle than the very law which, on the trial of foreigners, entitled them to such a disposition of the jury, as allowed them to claim an array of half foreigners. From the period of the Revolution until the year 1793, the country never heard of such an act; and it was to be recollected that, during that interval, the country from one extremity to the other, was frequently in arms; that rebellion followed rebellion, and that there was a succession of pretenders to the throne. Who, that turned his attention to those countries over which the despots of Europe exercised an unjust influence—Switzerland, for instance, where unfortunate refugees were forced from the asylum they sought, at the mandate of these despots—who, he repeated, that considered the progress and probable result of such a state of things, was not persuaded that this country ought to take a decided course, and not be considered as in any way aiding and abetting such a system? We should get rid altogether of such trammels. We should take our stand in support of the freedom of mankind; and, with the rapid growth of education and knowledge, under our countenance, the system of despotism would speedily disappear. An Alien law was abhorrent to our policy. It was admitted by its advocates to be useless, as it was rarely exercised; but, on the principle of investing any set of men with arbitrary power, no matter how acted upon, it was most dangerous in the principle. Under these circumstances, he should resist the order of the day for its second reading, and move, as an amendment, that after the word “that,” the following words be substituted: “It appears to this House, that from the Revolution in 1688, up to the year 1793, a period in which the tranquillity of this country was endangered and disturbed by pretenders to the throne, it was not considered necessary by parliament to invest ministers with such arbitrary power as the Alien bill confers: that it is contrary to the spirit of the British constitution, and hostile to the best interests of the civilized world; and in accordance only with the unprincipled declarations, and tyrannical acts, of the constitutional despots: that this House,

therefore, deem it inexpedient to continue a power, mischievous, even if not used, and cruel and unconstitutional, whenever exercised."

Mr. *N. Calvert* said, he was one of those who never would join in any language of abuse applied to the sovereigns of foreign states; because he could not stoop to do any thing so unfair as to attack those who, from distance, were disabled from defending themselves. He thought the practice, to say the least of it, might lead to great national mischief. He could not support the amendment, though he objected to the bill.

The *Speaker* having again read the amendment, loud laughter followed, on account of the word "constitutional," which was then found in it.

Mr. *Hume* said, there was no such word as "constitutional" in the paper; the words were "continental despots."

The *Speaker* ordered the paper to be handed to Mr. *Hume*, who, upon reading it, presented another copy, in which the words stood as he proposed. The amendment was put, and negatived without a division. Upon the motion, that the order of the day for the second reading of the bill be now read, the House divided: Ayes 120; Noes 67.

List of the Minority.

Abercromby, hon. J.	Lambton, J. G.
Althorp, visc.	Leader, W.
Allen, J. A.	Leycester, R.
Baillie col. J.	Maberly, W. L.
Barrett, S. M.	Macdonald, J.
Benyon, B.	Matjoribanks, S.
Bernal, R.	Martin, J.
Birch, J.	Milton visc.
Byng, G.	Monck, J. B.
Calvert, C.	Moore, P.
Calvert, N.	Newport, sir J.
Cavendish, hon. C.	Nugent, lord
Clifton, visc.	Ord, W.
Colborne, N. W. R.	Osborne, lord F. G.
Creevy, T.	Palmer, C.
Crompton, S.	Palmer, C. F.
Davies, col.	Pares, T.
Dundas, hon. T.	Pryse, P.
Farrand, R.	Rice, T. S.
Fergusson, sir R.	Roberts, A. W.
Gaskill, B.	Roberts, col.
Haldimand, W.	Robinson, sir G.
Hamilton, lord A.	Russell, lord W.
Honywood, W. P.	Scott, J.
Huskisson, hon. H.	Sefton, lord
James, W.	Smith, W.
Jervoise, G. B.	Smith, R.
Johnstone, W. A.	Stanley, E. C.
Jones, J.	Sykes, D.
Kennedy, T. F.	Tierney, right hon. G.

Townshend, lord C.	Wood, Mr. ald.
Warre, J. A.	Wrottesley, sir J.
Whitbread, W. H.	TELLERS.
Wilkins, W.	Hume, J.
Wilson, sir R.	Hobhouse, J. C.

On the question being put, "That the Bill be now read a second time,"

Sir *Robert Wilson* said, he rose to defend the right of the members of that House to express themselves freely upon the conduct of foreign potentates, and to repel the contrary principle implied in the observations of his hon. friend. They were bound to call things by their right names. If those sovereigns were tyrants, no gentleman could be wrong in designating them accordingly. It was not simply their right to do so; it was their duty to use that language towards them, which would best express the opinion the parliament of England entertained of their conduct, and to admonish the people of England of the steps which had been taken to give due expression to that opinion. When his hon. friend talked of those sovereigns having no means of defending themselves in that House, he seemed to forget that they were defended by their guards and armies—that irritated tyrants had reaching arms, and could strike those whom they never had seen. The House had no other means of exercising its power, but those strong expressions of the public feeling through its agency, which frequently had the effect of rescuing the victims of extreme and abused authority. He hoped his hon. friend would not attempt to deter the House from this important exercise of its duty. It was not using the language of abuse to those princes, but the language of solemn declaration in favour of liberty, and to prove to them incontrovertibly the general detestation in which the people of England held the crimes of tyranny. Upon the progress of the bill he would make only these observations. It had undergone very ample discussion—much more discussion than he had hoped for—and he should have concluded, that it was not likely that any thing more of weight could be added to it, but for that promise which fell from the right hon. secretary for foreign affairs the other day. He hoped that if the bill did pass, it would be presented to the public under more favourable circumstances of justification than those in which it stood at present. The argument was now con-

considerably simplified: the bill was no longer defended upon the ground of power inherent in the prerogative. While on the other hand, he was equally ready to admit, that although the right of foreigners to land on these shores had been always allowed, the right of regulating that reception, and the residence of those who were received, must remain with the parliament. The right of passing a law to regulate the reception and residence of aliens, could not be seriously questioned: the only question was, as to the policy of passing such a law under the present circumstances of the country. He concluded that no gentleman in the House would deny parliament that power. Every country must have a right to pass bills of exception and exclusion, and more especially as they went to control the rights of foreigners to land and reside; seeing that that power was to be considered almost in the light of an European law. But, the subject for their consideration was, the policy of the measure at the present time. Their ancestors well knew that they had the right, but they seldom used it; thinking, as it would appear, that the disadvantages greatly outweighed any benefits to be attained by the use of it, because of the facilities which it would have afforded to an oppressive government to cover its rigours under the pretence of watching strictly over foreigners. Every one who had travelled in foreign countries knew, that with respect to nations, character is power, and that England was particularly strong in that kind of power. This bill had received modifications, it was said, for which he was not at all thankful. He thought they were against the general principle for which he would contend. It was said that, in its present form, no less than 9,000 foreigners out of 26,000 had been withdrawn from its operation: he disliked it so much the more. If those 9,000 were rich foreigners, they would tend greatly to lessen the opposition to the bill. He would rather that all should be included in it. With a bill so obnoxious in its principle, the wider the extent of operation the better; because, the general sense of indignation and injustice to which it would give rise would be so much more powerful in its manifestation. As to the statement which had been hazarded, that this power had never been abused, he could not allow the assertion to pass uncontradicted. He had sup-

ported the case of general Gourgaud, who, after so many years of faithful service to his unfortunate master, had been cruelly treated. He thought that the conduct of government in refusing him permission to land, was nothing less than illiberal and ungentlemanly: he would not attribute it, however, exactly to the government, because they were not apprised at the moment of what their agents were doing, although they afterwards justified it. There was another case in which he could not but think that the power had been still more abused. He alluded to that of baron Eben, who had been banished by the king of Portugal after sixteen or seventeen years of zealous and faithful service; and yet government, though they could not charge him with any crime, would not permit him to land, because he was said to have been opposed to the kingly government in Portugal. These two cases showed that the powers given were liable to abuse, and that they had been abused. As to madame Montholon and others, excluded on the general principle of not admitting any of the partisans of Buonaparte, it was clearly most ungenerous treatment for a free government. The House should seize this opportunity of proving to the Holy Alliance, and to the people of Europe, that all those bonds which had unhappily united them for a time, were now dissolved—that the interests of this country were no longer interwoven with their system. No opportunity could be more favourable for that purpose than the progress of the bill now in discussion. An opinion prevailed abroad, that this bill was passed at the instigation of the Holy Alliance, and that it could not be repealed without their consent directly expressed. He hoped that the House would prove most fully and satisfactorily, that the opinion was groundless; and to give them an opportunity for so doing, he would now move, "That the bill be read a second time this day six months."

Mr. *N. Calvert* explained. He said, he had not wished to dictate any rule to guide the conduct of the House: he had only prescribed a rule for his own behaviour with respect to foreign governments, and the princes at the head of them.

Mr. Serjeant *Onslow* justified the conduct of government in the treatment of general Gourgaud, and the other members of the suite of Buonaparte, and argued

for the inherent right which existed in the prerogative to exercise the power asked for by ministers.

Mr. Secretary *Canning* said, he rose rather in fulfilment of a pledge into which he had been seduced a few nights ago by the soft persuasion of the hon. member for Aberdeen, than from any admission that the question required more ample argument; and still less did he feel it necessary to rise for the purpose of making any acknowledgment that, on any former occasion of discussing the principles of this bill, his own sentiments required any, even the slightest qualification. The hon. member for Aberdeen, in a style half complimentary to him, and half composed of serious censure on the measure itself, had done him the honour to oppose the principle of the bill to that which he deemed to be the general character and genius of his (Mr. *Canning's*) policy. If, however, the hon. gentleman should find any thing contradictory to the opinions which he had formed of him, in the arguments he was about to use in support of the measure; if he should find any thing which he might conceive to be opposed to the opinions which he (Mr. *Canning*) had professed, he would enable the hon. gentleman, to thread those differences, to reconcile those seeming contradictions in his expressions, by producing, in one word, the clue of the labyrinth—the shibboleth of his (Mr. *C.'s*) policy upon this and every other public question; and that word was “England.” His wish was only that of being found siding, on all divisions of opinions, with the interests of his country.

He was desirous of disclaiming at the outset, the slightest reference to the wishes of any other sovereign, to the feelings of any other government, or to the interests of any other people, except in so far as those wishes, those feelings, and those interests, may, or might, concur with the just interests of England. Perhaps, of all the questions that had been recently discussed in that House, the present bill had been the most subjected to the influence of the reigning vice of all discussion at the present day—the vice of exaggeration. If, without reference to time and place, we were to hear it asserted, that it was a monstrous and unheard-of proposition, that a sovereign state should arrogate to itself the power of determining what foreigners should be

admitted into its territories, and on what conditions they should reside there, the assertion would appear so monstrous and so extravagant, that no one would venture seriously to repeat it. And yet all the strength with which it had been clothed by the opponents of the bill, had been by dressing up a proposition so simple and so absurd, with facts with which it had no connexion, and with suppositions which had no foundation. He must forfeit, he feared, some of the good opinion of the hon. member when he said, that in discriminating, in the arguments on this bill, between those which maintained its principle and those which were conversant in its details, he was inclined to give most consideration to those which confirmed the principle; and, the principle once established, though it might afterwards be shown that errors accompanied the exercise of it on particular occasions, it was still good for all times and circumstances. Being a principle of that force and generality it could not be done away, and the details must consequently form but a secondary consideration. He said, that the right must have existed, and must continue to exist, at all times and under all circumstances. He did not therefore say, that at all times and under all circumstances the power was equally applicable. But he would say, not meaning to take the power of the Crown apart from the authority of parliament, that if it were found that no such power as that of constraining aliens more than natural-born subjects existed, and upon any new and unexpected emergency the want of that power should be felt, that would be such a state of things as ought not to be allowed to exist, even if this temporary bill should expire; and he trusted that expire it would, without another renewal. [Loud cheers.] He repeated his earnest hope and expectation, that it would expire without another renewal. But even in that case, with respect to the principle of power, government, of whomsoever it might be composed at the time, would not do its duty, if it suffered the principle to lapse into annihilation, or if by neglect they should afterwards allow the power itself altogether to escape from their hands. He hoped he should not be taunted by the hon. gentleman with throwing any thing out as a lure for popularity, when he thus candidly avowed, that his only consideration was, how to preserve the principle of the mea-

sure; and, that being once effected, that he was little anxious about the details, and was not at all disposed to undertake to show how, by whom, and on what particular occasions, that power should be now exercised. When he said "now," he wished not to be misunderstood. Much argument had been wasted on the question of situation. Honourable gentlemen had gone back to former times to show that the power was or was not in the Crown, without the parliament; and, in his opinion, the precedents produced were equally strong in proof for either side of that argument. The power had undoubtedly been exercised by the Crown, sometimes with, sometimes without, the consent of parliament: but, it was absurd to be drawing comparisons between the exercises of power, with regard to the different parts of the constitution now, and in former times. Suppose a precedent were shown of Henry 8th having exercised this power with the consent of parliament, would that imply the least resemblance between the constitutional functions of parliament then, and at the present day? The consent of that parliament of Henry the Eighth, which voted the proclamation of the king to have the force of law, was surely something different from the concurrence of a parliament of the present day; and if to add any sanction to a strong measure against aliens, the monarch clothed it in the name of such a parliament, it was no proof that it was subject to any real control. The monarch, in fact, discussed his measures in parliament as in a large council, where his influence was as complete as in his own privy council. But, he did not want to prove that the power was originally with the Crown; that it was inherent in the prerogative. It was matter of perfect indifference to him, whether it was innate in the Crown to be exercised by the Crown, or in the Crown to be exercised with the consent of the parliament; or if it were lodged first with the parliament to be shaped by the parliament in its exercise, with the assent of the Crown as a branch of the parliament: there must be a power lodged somewhere in the constitution to deal with aliens, if it should be found necessary, more summarily than with their own subjects.

The question had been argued, as if this bill would form an exception to the practice of all other countries. It had been repeatedly urged how odious it would be in them to retain a power which

from its objectionable nature, was not claimed by the government of other states. But the argument was quite the other way. England was the exception. This country alone stood without the continual existence and frequent exercise of that power. He defied those who objected to produce facts. Let them show him any state in Europe from the most arbitrary to those supposed to be the most free—from the highest degree of despotism, through all the range of political inventions by which states were governed, down to the most widely-spread democracy—which had ever consented to be without the power of controlling the abode of aliens more rigidly than that of native subjects. Why, then, was this country to be deprived of a defence which no other state, of any kind—or at any period—would be without? Why was this country to divest itself of a power essential to its own security, when occasions might arise for bringing it into action?

Another argument used by honourable gentlemen opposed to this measure was, that the acquisition of power over aliens resulting from it would be inconsistent with freedom. Why, the experience of all history went the other way. He had before said, that all governments had had this power; but more particularly was it exercised by those governments which were considered the best of ancient times. Look at the ancient republics of Greece and Rome. Were gentlemen altogether to forget their classics on the present occasion, and overlook the instances which they afforded bearing on the present case? Let them look at Sparta, where the condition of the stranger was little better than that of the unfortunate Helot. Let them look at the polished rival of Sparta—Athens; and what was the condition of the alien who went to reside there for a time? He was, in the first place, obliged to put himself, during his stay, under the protection of some patron; or in default thereof, he was subject to every kind of inconvenience. But even under the patron, he was liable to have his goods sold, and his person sent to prison, for non-payment of the alien-tax. Let them look at Rome—at ancient Rome—in the days of her greatest freedom. Was the alien the object of any peculiar care? On the contrary, he was rather the object of peculiar jealousy. It was necessary that there, too, he should place himself under the protection of some patron; but that did not exempt him

from the liability to be sent from the city without notice. Aliens were sometimes sent out, not by one or two at a time, but frequently in whole droves together, at the caprice of the tribunes, or consuls. Why did he mention these facts? Not for the purpose of urging them as reasons why we should now act in a similar manner, but to show that, at all times, such a power was exercised by those states most jealous of their freedom, and that the power was never held to be at all inconsistent with that freedom. Look at the practice of this country in ancient times. It was true, that aliens were invited, and that peculiar protection was given to alien merchants. Why? Why, because the only men who travelled in those days were merchants. Did it follow because encouragement was given then, that the same should be held out at the present day? And this brought him to notice what was the radical error of the arguments of gentlemen on this question; namely, that they made no distinction between the policy of an ancient state and that of a modern one. At that period of the Roman state, when the fight between the Horatii and Curiatii was to decide whether Alba was to be Rome, or Rome Alba—at that time the description of a set of aliens among the numbers of Roman citizens might be a matter of deep expediency, which could not afterwards exist. The jealousy of such an ascription in a future period of the Roman history was not inconsistent with the former measure. In the one case a new state approved of what was then expedient; in the other, an old state was jealous of what it looked upon as encroachment. Why, the rape of the Sabine women was considered a measure of expediency to supply the wants of the young state; but no man would go so far as to assert, that because such a measure had once been expedient, it would be equally expedient that it should be resorted to at the end of every lustrum. Yet, it was by confounding two very dissimilar epochs in the history of states, and arguing the necessity or policy of certain measures in one because they had been found to exist in the other, that gentlemen who opposed this bill had so egregiously deceived themselves. It might be rational, when it was an object for England to collect capital and industry, to open her ports indiscriminately to those strangers who alone would resort to them, the merchants; but when the paths of industry were fully occupied, when the people were fully em-

ployed, and the country overflowing with capital, it might be natural to look to the introduction of strangers with other eyes, and to see less of the advantages than of the perils of the influx. Let the House look at the two kindred British states, happily joined in amity, though divided by institutions, [which now occupy, perhaps, a greater space than any others in the eyes of the world. And here let him observe, that when he spoke of, and admitted, the freedom of America, he must add, that we in this country enjoyed as much freedom as was enjoyed there or in any other part of the world, and that our freedom was watched over and protected by a monarchy, which so far from being a check, was in reality its best and safest guardian. But, let the House look at the policy of the two governments. The policy of America was facility of admission; the policy with us was jealousy of admission. They wished to increase their subjects; we, to secure those we already possessed—to prevent them from going off, and others from coming to us. The difference of this policy was not the difference between despotism and freedom—No: one was the policy of a new, the other that of an old state. He would ask in what part of Europe could Englishmen travel with such complete freedom as foreigners could in this? On the continent, a man could not move beyond a certain limit without his passport, as had been truly observed by the hon. and learned serjeant (Onslow): beyond that limit he felt the chain round his leg, which he possessed no means of lengthening. This fact at once put an end to the argument of invidiousness, and that we were committing an outrage on foreigners, to which we ourselves were not abroad exposed; that this was the only despotic country of the world—that Turkey was not despotic—Russia not despotic—Austria not despotic—France not despotic, in comparison with the despotism of Great Britain. Let him ask, in addition, whether the police was not a source of inconvenience to Englishmen abroad? Why, a young Englishman had been kept in custody, some time back, for a whole night, for galloping at night over the bridge of Geneva. What consolation would it be to this young Englishman who rode over the bridge of Geneva, and thereby almost shook the little republic to its foundation, that the despotism to which he was there exposed was not inflicted by “a malignant and a turban’d Turk,”

but by the hon. and learned gentleman's (sir J. Mackintosh's) literary friend, M. Sismondi, or by his own arithmetical friend, sir Francis d'Ivernois? And yet, after experiencing all the inconvenience of travelling in foreign countries, some young English travellers returned, and declared that an Alien bill here would be a disgrace to the country!—He had said thus much of the measure as a general principle recognized by the states most attached to freedom. He had considered a certain power over aliens, as a thing which ought to be possessed permanently. He would not go into the details of the present bill, or the alterations which it might or might not be necessary to make, if it were to remain permanently on our Statute-book. He would not say whether the measure which might be eventually decided upon to supply the place of the bill should be a registry; but, without entering into any details of that kind, he would repeat, that when this bill should expire, it would be necessary to introduce some measure, with respect to the power which the executive ought to possess over foreigners in this country. He was afraid, then, that he should not satisfy the hon. member for Aberdeen when he not only declared himself in favour of the measure before the House, but of the general principle out of which it arose.

He now came to the measure before the House as applicable to the present times; for, having cleared the general principle, it remained for him to consider not whether this bill was good from beginning to end, but whether it was a modification of an admitted principle, suited to particular and existing dangers. Now what were the existing dangers? With regard to internal perils, he was perfectly ready to admit, that he saw none to the institutions of this country from the exertions of any foreigner, however disposed such foreigner might be to assail them. He firmly believed that, in the very worst of times, there was inherent in the English constitution, or he should rather say, in the constitution of the English mind, that which would repel the aid of foreign treason, and would not inoculate itself with any infection that was not at least of native origin. And therefore was it that his right hon. friend had introduced into this bill a modification of the former law, striking out from its operation all those foreigners who had been, for a certain length of time, domiciled amongst

us, and with whose characters and connexions we had had the means of becoming acquainted. But the particular danger of the time was that which had been stated by the hon. gentleman who last spoke, and which had been frequently referred to in the course of the present session; namely, that there was a struggle now pending in the world, between extreme principles, and that this country was naturally and necessarily (and long might she continue to be so) the asylum for the beaten in that warfare. As that asylum we had a right to inscribe over our gate, not, indeed, with Dante—"Lasciate ogni speranza, voi ch'entrate,"—"All ye that enter must leave hope behind;" but rather,— "All ye that enter must leave plots behind."—"You must leave behind your party feuds and your political squabbles, for you come here to seek an asylum for repose, not a workshop, where, without danger, you may forge new treasons." Those who courted a shelter had no right to question the terms on which it was granted. If then we did not make these terms, what must be the necessary consequence? That which we called an asylum would be felt and called by Europe and the world a refuge, a hiding place, for all who retired but to meditate fresh disturbances. He was anxious that the nations of the continent should not be disturbed; because, the contact of independent governments was often so close and nice, that the disturbance of a part might lead to the disturbance of the whole, and we ourselves might not be free from the contagion. He was anxious, therefore, for English purposes and English principles, that this bill should pass, as well as on account of the countries whose safety might be more immediately placed in hazard.

His gallant friend (sir R. Wilson), as well indeed as the hon. member for Aberdeen, had both spoken out plainly and fairly, and from both of them he certainly differed *toto cælo*: there was no point of resemblance or accordance upon this subject between them. They were of opinion, that, in this struggle of extreme principles England ought to side with those who espoused the extreme principles of liberty; that she ought to unfurl her banners at the head of that discomfited party; that she ought to array, under her standard, all those who were disposed to league together to overthrow the establishments of the world,—[No, no; hear, hear!]

The hon. gentleman did not, perhaps, use those precise words; but in argument they went that length; and the shades of distinction between them must be nice indeed. What they contended for was this—that, while our unvarying principle was neutrality—neutrality recommended from the throne, advocated by the government, supported by parliament, and echoed throughout the country; while we would adopt measures the best calculated to preserve that neutrality, they would at once overthrow it. No doubt their object was laudable: no doubt they wished to accomplish magnificent purposes; but it was in direct opposition to the wishes of the sovereign, the parliament, and the people. But, it was somewhat unreasonable, somewhat too much to expect that we should conform to their views, and at once abandon our settled and approved course, for their scheme of national exaltation. At least before they called upon us to do so, they ought to try parliament upon the question—whether it was willing to adopt and pursue this new line of policy—a line of policy, the object of which was, not to keep down and soften animosities, not to reconcile differences—and promote general harmony and good will, but to exasperate into action these modern principles of extravagant liberty; to march at the head of the exiles of every country, against their legitimate governments, and ancient institutions. If parliament could be brought to adopt this new and exploded course, then he freely admitted, not only that this paltry Alien bill, but with the hon. member for Aberdeen, “wise in his generation,” that the foreign Enlistment bill must be at once repealed, and we must begin a new era in legislation. But, the House would give him leave to say, that when the hon. gentleman and his friends had attained this most desirable object—when they had converted parliament, convinced the sovereign, and induced his ministers to retrace their steps, they might still find themselves considerably disappointed. He should not be surprised if, after all their vehement denunciations, they were at last to come to parliament for something like the enactment of an Alien bill; for they assumed, that this country, unarmed with power to prevent the levying of war against a foreign state—the Foreign Enlistment bill; and unarmed with power to control the residence of foreigners, the Alien bill, the consequence would be, that nothing would

be heard of in great Britain, but the fitting out of armaments against what were termed the despots of Europe. But, let him call the attention of those hon. gentlemen to one circumstance. There were two parties engaged in this struggle of extravagant principles. The one party might, indeed, carry with it the sympathies of mankind. They had all the common places of liberty on their side; but, unfortunately, their achievements had been few indeed. They had talked largely and done little; and the strength, at present, at least, was all the other way. Let him, then, put a case. His hon. and learned friend opposite (sir J. Mackintosh) had given notice a short time since, of a motion for the recognition of the independence of South America: but he had withdrawn it, because he understood that the king’s ministers were prepared to consider any armament, fitting out in Spain, while the French retained a preponderating influence there, a French armament.

Sir J. Mackintosh.—I said, if any “considerable armament” were fitted out in Spain against South America, whilst that country was in the occupation of the French army, it ought to be considered as a French armament.

Mr. Secretary Canning.—Well, any “considerable armament;” and, let them see, if the hon. and learned gentleman tried other powers fairly, by this rule. What we had a right to say of France, France and other countries had a fair right to say of us. They might declare, that they would consider any armament sailing from the ports of England for South America as a British armament; and his hon. and learned friend would admit, that this kingdom was at least as responsible for what was done upon her own soil, as France was responsible for what was done in Spain. Now, he said, that the Foreign Enlistment bill alone prevented the fitting out of armaments in British ports, and that the Alien bill alone kept foreigners under control, and prevented their treasonable machinations. If you stripped the Crown of the powers thereby given, there was no physical impediment to any number of foreigners, whether beaten or triumphant, coming to Plymouth or Portsmouth, fitting out an armament there, and sailing with it for the conquest of South America, whether for Ferdinand or his enemies. If France were to place herself in such a situation, we should instantly assert; that it afforded a ground for going

to war. It was ridiculous, then, to deny, that, if we pursued the same line of conduct, we might be justly called upon to answer for it in the penalty of hostilities. Then he maintained that it was for the interest of England, for the peace of England, and not merely for the interest and peace of foreign nations, that we should retain and, when needful, enforce, these measures. God knew when we should see the end of the prevailing agitations—when the struggle of opinion and principle would terminate! No man could wish for it more than he did; but he claimed these bills, in order that we might not be fooled, gulled, bullied, cheated, deceived into hostilities in which it was never our intention to engage. He claimed them for the preservation of peace—for the preservation of the character, reputation, and good sense of this country—to prevent it from being the laughing-stock and the dupe, instead of being the dread and the support of Europe—and that she might not be made by foreigners the starting-place of their animosities. So long as these extreme parties were in presence of each other, no measure but this Alien bill could save us from danger; and the moment we parted with it, we voluntarily incurred the hazard. We should then justly subject ourselves to the suspicion, that we had thrown this security away, with the express intent of affording the facilities of our shore, and the convenience of our harbours, for the promotion and encouragement of warfare; and he cared not whether that warfare was in favour of the one side or the other. Let us not deceive ourselves by supposing that the champions of freedom would make no use of our means and our ports. We well knew that, at this moment, there was scarcely a power in Europe that was not collecting from the capitalists of Great Britain, the sinews of war—that there was scarcely a single power that did not look for resources to the exchequer of our Exchange. He did not mean to justify the moral character of such loans; but we were all aware, that our monied men lent indiscriminately to all parties; without reference to any other consideration than the security which the borrower had to offer. In the best days of our constitution, it was known that hostile armies were led by English captains; but here were the captains of English captains, whose resources were the springs on which the power of each side rested. The mo-

ney-lender lent to each, and would lend wherever he got a security. He should therefore be sorry to trust the neutrality of the country to the morality of money-lenders; for get rid of the foreign enlistment, and let Ferdinand once show a little strength, and we should soon see him aided by the capitalists of this country, and an expedition sent from our ports, making another effort to crush the rising liberties of South America. [Cheers.] It was to prevent such a result that he was unwilling to part with the power which the Crown at present possessed by the acts now in force. He would maintain a strict neutrality, not only in act and deed; but he would reject any of those little flirtations that might tend to the violation of it. He hoped never to see England leading those armies which contended for extreme freedom against those who were called the despots of the continent. And here he was aware that he must, as he had often done before, guard himself against the contrary supposition. To those who thought, or said that they thought, that the measure upon the table had been produced at the dictation of any foreign government, or any set of governments, he replied that he denied it, and he claimed that his denial should be as good as their imputation. He said it in the hearing of the Commons of England; he said it, thank God, in the hearing of the whole country; and, what was more to his purpose, he said it in the hearing of all those against whom the imputation was made—he rejected it as unfounded—he denied it (not in any offensive sense), as utterly false [Hear, hear]. Dearly as he valued all the ties by which European nations were held together, there was not a connexion that he would not sever at once, rather than allow any measure brought forward in that House to originate in a foreign source. He denied that this bill proceeded from foreign influence, or that it was at all founded upon considerations of the interests of other states.

The question, therefore, was, whether for the purpose he had mentioned, the provisions of the bill were adequate or too powerful—whether they trenched more upon individual liberty, than was necessary for our domestic policy? He took the liberty of assuming, that the purpose of the bill was the purpose of the House; because the measure was consonant with its recorded votes. What, then, did the bill do? Did it enable government to punish or im-

prison, to seize and to confiscate? No; it only empowered them to remove from the kingdom the foreigner who, there was reason to suspect, was violating the asylum that had been afforded him. Lest, too, there should be any temptation to turn the power to any other account, there was an appeal to the privy council. He did not mention it as an effective process of law; but, it ensured notoriety. And who did not know that, in this free country, where a minister was compelled to act in the open face of day, nine times out of ten, he dared not act otherwise than in the honest discharge of his duty? This bill then enabled government to remove the foreigner; and a still more valuable and a more available consequence of that power is, that it enabled them to permit him to remain. One example in point was as good, or better, than a thousand arguments; though they might be in point also. It had been his fortune, a short time since, to receive intelligence of the authenticity of which he could not doubt, of a plot being in agitation among certain emigrants against the peace of their native country. The plot was well got up, plausible in its object, and not deficient in means. This information, as it was his duty, he had communicated to his right hon. friend (Mr. Peel). His inquiries had led precisely to the same conclusion. What was done? Did they enforce the provisions of the Alien act? Did they send the parties accused, and to whom the plot was brought home with moral certainty, out of Great Britain, to be exposed to the vengeance of irritated royalty? No. They had desired to see the individual principally implicated. They told him they were aware of the design, and informed him of the names of his associates. He did not deny its existence, though, as might be expected, he did not confess his own participation. They bade him go and be cautious; adding, that they should let his government know of the discovery of the plot, but conceal the names of the parties. In his conscience, he believed that they had thus prevented the completion of the scheme. Was this, he asked, an instance of abuse of the powers of the Alien bill. The case to which he referred happened within the last fortnight; and, while his right hon. friend and himself were hesitating about this measure, this incident occurred, and completely satisfied them both, that they would not do their duty if they did not propose it to parliament. Now, then, the

House had the history of the origin of this bill; and it knew the intentions of government in endeavouring to make it an enactment. He asked, then, hon. gentlemen on the other side, whether in the enactment or in the mode in which it had been applied, they saw any thing that roused their constitutional jealousy? But, he mistook when he talked of their constitutional jealousy—he ought rather to say, their continental jealousy. When this instance had been mentioned by his right hon. friend on a former night, a noble lord (Althorp)—who did not often deliver his opinions upon foreign policy, but when he did, what he said always bore the stamp of good sense—suggested, that all the advantage to be derived from a temperate use of the powers of the Alien bill might be attained by an act of parliament brought in for each specific case. The noble lord had had some experience in acts of parliament: he had one now before the House for correcting the practice of certain small courts, and when he got rid of that, he would really beg of the noble lord to try his hand a little further at legislation; and bring in a bill to arraign a foreigner in this country of treason against his own. At least he would have to encounter the difficulty of being without a precedent, in the history of any state, ancient or modern. He only requested the noble lord when he went home that night, to try his hand at framing such a bill; and, depend upon it, even the mighty undertaking of regulating the County courts would sink into insignificance before it. He must not only try a new mode of legislation, but must erect new courts for his purpose, such as hitherto the imagination of man had never conceived.

That some measure should be devised by which a certain power over aliens should be granted to the Crown at the expiration of the present law, he would repeat; but, in the mean time, the present would act upon the principle, that prevention was better than cure, and he thought it better to act in that way, which would secure the interests of this country without inculping individuals. He would repeat, then, that, in the present state of the world, such a measure as that before the House was necessary. What satisfaction would it be to any foreign power against whom secret combinations were plotting, and by whom we might be accused of suffering such practices to be carried on—what satisfaction, he would ask, would it be, to say,

that we had caught the party, and were about to try him by a law made for the purpose? Such a proceeding would not be so much our proper policy, as to take steps by which the practice might be prevented altogether. He admitted that, according to the present law, the innocent was often subject to inconvenience as well as the guilty. That must be the effect of all general laws: by the very nature of them, the innocent must be subjected to inconvenience. To detect the guilty, it would be necessary to cast the net very wide.

He must, before he sat down, protest against another species of exaggeration which he found to exist on this question. He meant that disposition to take it for granted, that all foreigners who fled from their own country to seek an asylum in this, must be models of their kind—more angels than men, though somewhat fallen, and with, at least, “the excess of glory obscured”—heroes of the noblest order, and patriots of the purest water; forgetting the ancient jealousy which existed, with respect to the coming of foreigners into this country? Did they forget the line—

“London! the needy villain’s general home;

The common sink of Paris and of Rome!”

He did not say, that the Alien bill had completely effected a beneficial change; but it was not to be taken for granted, that because a foreigner came to this country, he was persecuted and driven away from his own. Besides these illustrious heroes—these immortal patriots—these champions of freedom and martyrs—there were to be found pimps and quack-doctors, “et id genus omne,”—a striking instance of which was to be seen in a recent case at Manchester. He by no means intended to convey an impression, that all aliens were of this description; but he thought, when gentlemen on the other side assumed, that none but heroes and patriots arrive here, he had at least as good a right to assume, that persons of a very contrary description also found their way to our shores. All he contended for was, that there was a necessity for some such supervision—that the Alien bill was addressed to the specific danger of the times—and that it had hitherto been found effectual in suppressing, or he should rather say, in preventing it. He had not heard even an insinuation of an abuse of its powers. He would conclude as he began, with expressing his hope that the

measure might not outlive the term for which its renewal was now proposed. Whenever the danger was at an end, he would return, with all his heart, to some more mitigated and moderate system of legislation; but for legislation upon this subject, he should still be an advocate, for the House would ill perform its duty to the public if it left the government without the means of protecting the country from the dangers to which he had adverted. [Loud cheers].

Mr. *Tierney* next addressed the House, but for some moments he spoke in a tone quite too low to be audible in the gallery. He observed, that he felt it necessary to offer a few remarks to the House after the extraordinary speech of the right hon. secretary, in which he had throughout defended the bill, and had nevertheless expressed his readiness to abandon it for a more mild measure. If ever he had heard a speech an hour and a half long in that House, in which the speaker more decidedly looked one way and rowed another, it was that which the right hon. gentleman had just delivered; and, if he were one of the right hon. gentleman’s followers in that House, he should think that, on the present occasion, he might vote against his patron, without much risk of giving offence. The right hon. secretary had charged gentlemen on the Opposition side with the figure of speech called exaggeration; as if he himself had not condescended to borrow a little from fancy in the course of his address. Why, the right hon. gentleman’s speech was full of fanciful images—of aliens coming over in thousands and thousands, fitting out armaments, and then taking (as the sailors say) a fresh departure, to conquer their own country. The House had heard these fanciful statements, and they had also heard the right hon. gentleman charge others with making too free a use of the figure called exaggeration! But the right hon. gentleman stated that his object in supporting this bill was to support the interests of England. The House, however, had all this at second-hand—the right hon. gentleman having already announced it at one of those travelling parties which he had got round him in his late tour. It was stated in the hearing of the mayor, aldermen, and burgesses of Plymouth; and no doubt they must have been astounded at the declaration then, as the House was now. Now, he would take the right hon. gentleman’s own text; and say,

that he would also support the bill for the interests of England, provided it could be shown that it really tended to support those interests. If any member should prove this to his satisfaction, he should have his vote: but no man should have his vote in support of the measure, until that tendency of the bill was clearly demonstrated. Looking at the right hon. gentleman's observations, it struck him, that the right hon. gentleman was not half so friendly to the measure as he had pretended to be; for after having raked all foreign and ancient history on the subject—after having ransacked the annals of the ancient republics.—The home secretary having already gone through the whole History of England on the questions—after all this trouble, it turned out, that it was only within the last fortnight that the right hon. gentleman had made up his mind to bring it forward at all; and then, even that was owing to one of the luckiest accidents in the world. He would not follow the right hon. gentleman into his disquisition of ancient history: he would come to that period of English history—(which was, after all, the only one that had any thing to do with the matter)—he would come to that part of it which he looked upon as its best—he meant the period since the Revolution. This Alien bill, said to be so essential to our very safety as a nation, had no existence in all this long period. Putting out of our view the Alien bill of 1793, which was different from the present, it had been a law about ten years; and now we were so jealous of it, that if we were to believe the right hon. gentleman, the country could not go on without it. But, before this bill was in existence, England had been extolled for her generous foreign policy, and had raised herself to greatness, without possessing an alien bill. This measure, which, in these perilous times, was to save the country, was to last, however, only for the next two years. Then the right hon. gentleman gave the House to understand we should hear no more of it, but something else would be introduced in its stead; but what that something else was he did not himself yet know. This conduct of the right hon. gentleman looked very much like a compromise somewhere; as if one part of the government had said to the other part, "Here we have been acting on the ancient principles of the constitution, for the last 25 years: and now you come with your new-fangled doctrines,

your reforms in trade, and your inquiries into Chancery courts, and a thousand other novelties, as if you wanted to turn every thing upside down; you must give us something in lieu of all this—let us see, what have you got to give?" "Well," said the colleague, "what will you have?" "Oh! give us the Alien bill." "Well, take it for a couple of years or so; but at the end of that time it must be modified." And they had got it, and he did not see that it was likely to be of any advantage to them, except to show that they were not entirely beaten, and to give them an opportunity of worrying some poor devil of an alien, if they should feel so inclined.—The right hon. gentleman then proceeded to contend, that the bill was not called for by any existing necessity. If foreigners flocked hither in thousands, the power might be considered not unreasonable; but when they came in in dribblets, one now and one then, they could not possibly call for the exercise of the power which was now demanded. Foreigners might come here either as emissaries for foreign purposes, or as fomenters of discontents here. That any danger was likely to arise from the latter, had been fully disclaimed in the king's speech, and in that of the right hon. gentleman; and any object which they might hope to gain in the former character would be defeated by the foreign enlistment bill, to which, by the way, the right hon. gentleman had adverted as fully as if it were a measure then before the House. Now, as to the possibility of foreigners fitting out armaments from this country against their own governments. In the first place, how were they to get men? He should like to know to what description of persons these foreigners could go, who would not give them this answer—"this is a bad time for you to apply to us for such a purpose; we have got plenty of work, and we shan't get half as much by going with you as we shall by staying at home." They might, too, add—"this is a bad time for applying to us to serve any party purposes; party in this country is nearly extinct, and many persons think that the Opposition are playing booty, because they do not make a greater stir." [Hear, and a laugh]. The danger which the right hon. gentleman apprehended was altogether imaginary. The foreigners who came to this country arrived here as fugitives; and it was a new and painful thing for him to hear it stated, as a ground for watching those persons with jealousy,

that they were likely to enter into machinations against the governments which had oppressed them. But, it was said, that such machinations would be dangerous, inasmuch as they would involve this government in difficulties and disputes with foreign powers, whilst it was professing to observe the strictest neutrality. Now, he wished the British government to act impartially, on the principles which it professed. He thought that the Holy Alliance, and all the proceedings of the different congresses which had been held, were machinations against the liberties of the people of Europe. The crowned heads who composed those congresses had evidently bound themselves together to crush liberty on the continent, wherever it might arise. Had the British government remonstrated with foreign ministers against the machinations of their masters? Had it said, that their proceedings were likely to endanger the peace of Europe? Not at all! The machinations which government was willing to put down were those of the oppressed against the oppressors; not those of the oppressors against the oppressed. He really should like to know what the right hon. gentleman thought any number of foreigners who sought refuge in this country could, by any possibility, achieve. The right hon. gentleman had said, that loans were easily obtained. To be sure they were—when good security could be given. But, the experiment had been tried, not whether the poor foreigners who had recently arrived in this country could get loans, but whether they could procure a small pittance from the generosity of individuals to supply their pressing necessities; and he was sorry to say, that the result of the experiment had not been very flattering. On the other hand, it was notorious that loans for the assistance of crowned heads could be procured very easily in this country. Was it possible to apprehend any danger from the circumstance of four or five unfortunate foreigners meeting in a garret, to talk over the miseries which they had endured from their oppressors. Was the House of Commons to be called upon to pass a law like that proposed, in order to prevent four or five such unhappy persons as he had described from discussing, whether they might not, by some romantic attempt, rescue their wives and families whom they had left behind them, from the evils which they were enduring.

It was most repugnant to English feelings to pass the bill upon such grounds. The right hon. secretary had, however, spoken with great gravity of a discovery which had been made within the last fortnight, of a plot which had been formed by certain foreigners against some foreign power. He would do the right hon. gentleman and the right hon. secretary for the home department this justice, that he believed them to be utterly incapable of degrading their country so far as to establish in it a system of espionage against poor foreigners here. The information, then, which had led to the discovery of the plot must have come from some foreign minister. He was sure of this, because he was convinced, that the right hon. gentleman would be above adopting the miserable course of tracking the footsteps of individuals, of whose names he kept a register. But, what had happened with respect to the plot in question? The right hon. gentleman said, that he acted a kind part with respect to the conspirator who had been brought before him. He remonstrated with him; told him he knew his accomplices, and gave him warning that, if he did not abandon the course in which he had embarked, he would be sent out of the country. Why, could not all this have been done without the Alien bill? If the plot had been discovered when no alien bill was in existence, the right hon. gentleman might have informed the government against which the conspiracy was directed, of the circumstance; and that was all that had been done in the present instance. On this occasion, therefore, the Alien act had been of no efficacy. The principle on which the bill was founded was, that machinations carried on in this country by foreigners against their own governments, were dangerous in the eye of the British law; and, by passing the bill, government took upon itself the task of watching the acts of foreigners, not because they were injurious to our society, but because they were hostile to those who had oppressed them. He had before observed, that foreigners in this country were not very likely to be able to effect much against their governments, by means of money or arms; but, they were able to injure those governments a great deal in one way—he meant by publications. Most of the continental governments were of that description, that the greatest injury which could be done to them was

to tell the truth of them [cheers]. Was it not very probable that foreign powers would make an application to prevent such publications from issuing from the press, by sending those who were inclined to compose them, out of the country. The right hon. gentleman shook his head? but, such applications might be made, and he had no doubt that they would be made: and then would arise the danger of war, which the right hon. gentleman was so anxious to avoid, if those applications were not attended to. No persons could differ more than the right hon. gentleman and those with whom he came in contact on the other side of the water. The right hon. gentleman said, that it was the policy of this country to acknowledge the South American states, when they should become clearly independent of the mother country: but the French ministers said, that to act in that manner would be to sanction the principle of revolution. He gave the right hon. gentleman credit for having treated such an argument with the contempt which it merited, and, instead of condescending to discuss the point, passed, as it were, to the order of the day. The difference of opinion to which he had just alluded was very strikingly exemplified on the subject of the late attack upon Spain. He believed that the right hon. gentleman was sincere in the disapprobation which in the warmth of his heart, he had last session expressed against the invasion of Spain. But, how was that invasion regarded by the French government? It had recently been proclaimed to the world in the speech of the king of France, with a degree of effrontery, and he would add of impiety, never before witnessed, that Providence had been pleased to bless his endeavours in the "most generous as well as the most just of all enterprises"—meaning the invasion of Spain. Suppose, now, one of the Spanish emigrants in this country were to be incited to write a pamphlet on the subject of the king of France's speech, and to shew what was the real nature of the Spanish war, and suppose him to express himself, with regard to his most christian majesty, not in such decorous terms as he (Mr. T.) was inclined to observe towards him in that place. If the king of France were to complain to this government on the subject, and there were no Alien bill in force, ministers might say, "If you are aggrieved, you must seek your remedy by English law; the executive

power can do nothing for you." But ministers could not give that answer as long as the Alien act was in existence, because the French government would immediately say, "You are bound to comply with our wishes, because you have established the principle, that you are to interfere to put down all machinations against our government." He did not know whether he had made himself understood upon this point [cheers]. It struck him as being a question of deep importance; and he implored the House to act as the supporters of ministers, and not to pass a bill, the effect of which would be to render those ministers liable to the very danger from which they thought it was calculated to protect them; namely, the danger of being embroiled with foreign powers on the subject of aliens residing in this country. He had really been surprised to hear the right hon. gentleman talk of the probability of great captains and heroes coming over to this country, and fitting out mighty armaments against foreign governments. If there was one hon. gentleman in that House who could believe that to be the case, he would do very right in voting for the bill. Certainly, nothing could be more inconvenient than to find, all of a sudden, a vast fleet assembled at Plymouth, having come God knew whence, and going God knew whither! But he had no doubt that some individual, who knew the manner in which a fleet was got together—who was aware that, in order to effect that object, it was necessary to publish advertisements inviting contracts for provisions, stores, &c.—would comfort the right hon. gentleman, and tell him that he needed not to be under any apprehension on that score [hear, and a laugh]. The right hon. gentleman had a part to perform, and he had certainly performed it most ably for his colleagues. He had given them a speech with which, under all the circumstances, he thought they ought to be very well satisfied. But, throughout the whole of that speech, the right hon. gentleman had taken care to show that the Alien act was not a thing of which he greatly approved. He had treated it as a drug which was poured down their throats and had hoped that the dose would not be repeated two years hence. For himself, he must contend against the principle of arming government with powers to meet a case that might possibly arise. He thought it the wiser course for govern-

ment to wait until a case should arise, which might require extraordinary powers, and then to apply to parliament for assistance. He hoped the right hon. gentleman would inform the House what powers the foreigners in this country would possess of disturbing the peace of Europe, if the Alien act were allowed to expire. If that right hon. gentleman made out a case of real danger, he would give him his hearty vote in favour of government. He was, however, satisfied that there was no danger to be apprehended, and that the Alien bill had its origin in the restless ambition, to use the mildest phrase, of the sovereigns of the continent. The right hon. secretary for foreign affairs had disclaimed this. He had said, that he would submit to no dictation from foreign powers. He believed the right hon. gentleman when he said so. But the right hon. gentleman had not originated the Alien act: he had found it existing when he came into office; and how it had been introduced as a part of the policy of government, he, of course, could not know. At what was called the settlement of Europe, after the fall of Napoleon, the great European powers had, he sincerely believed, entered into an agreement—he did not, of course mean an agreement on a stamp—that liberty should be crushed wherever it was possible to crush it. For this it was, that this country had spent hundreds of millions; for this it was, that they had restored the Bourbons. That family now found they could not maintain their newly-acquired power, unless they were assisted by extraordinary means. They, therefore, addressed the British government in these terms:—"We have spies and large armies to serve our purposes, and if an individual renders himself obnoxious, we can take him up, clap him in a fortress, and he will never more be heard of; but, in your free government, what can you do?" This being the case, it was determined that no persons who were obnoxious to the continental governments should be allowed to find a refuge in England. He was as satisfied that that was the origin of the Alien act, as that he was at that moment speaking [cheers]. It was extraordinary that, at the present moment, when this country was at peace with all the world—when our situation was prosperous—when every man was contented—when all domestic differences had subsided—and when there were no grounds for alarm, parliament should be called

upon to pass a bill, which had no other object than to prevent England from being the asylum of the oppressed. He was anxious that the character which England had acquired of being an asylum for the oppressed of all nations should be maintained. It would, he admitted, be a breach of neutrality, if the British government invited persons who were plotting against their own governments to come to this country, and sent ships to convey them hither. But, under present circumstances, only a limited number of aliens found their way here, to enjoy that freedom which they could not obtain in their own countries; and God forbid that in his lifetime the case should ever be otherwise! The moment a poor foreigner set his foot upon the shores of England, his chains fell from him, and he became as free as Englishmen, and entitled to all the privileges which they enjoyed, except with regard to certain distributions of property, which they were aware before they came here, that they would not be allowed to possess. The right hon. secretary for the home department, however, would not allow foreigners to enjoy those blessings. He set about watching them, in order to discover whether they were engaged in any machinations against their respective governments. He would advise that right hon. gentleman, who must have work enough of his own on his hands, not to undertake to be police-agent for other states [hear]. He did not use the term in an offensive sense; but it really appeared to him, that the information respecting the plot to which the right hon. secretary for foreign affairs had alluded, must have been furnished by some foreign power. He implored the House, at the present moment, when this country was triumphant, prosperous, happy and contented, and all Europe was moved by discontent—provoked by the treachery of their governments, by broken promises, and by assurances of the bestowing of constitutions never performed—to preserve, not a nominal, but a real neutrality, and to deal as fairly by the oppressed, as by the oppressors. This was the only course which England could steer with honour and advantage. He thought, with many other persons, that if England had taken a more decided part a short time since, much of what had happened might have been prevented. But he would not dwell upon that topic: it was wiser to consider the present than to regret the past. Neutra-

lity was the policy which England must adhere to, and he opposed the Alien bill on the ground that it tended to provoke a breach of that neutrality. For the same reasons on which the right hon. gentleman had rested his defence of the measure, he (Mr. T.) opposed it—namely, for the interests of England.

Mr. Secretary *Canning* said, he felt it necessary, in consequence of what had fallen from the right hon. gentleman, to declare, that government had not received their information on the subject of the plot of which he had spoken from any foreign power.

Mr. *Tierney* begged to ask, whether the information had proceeded from any persons who had been employed by government to look after aliens?

Mr. *Canning*.—"No."

Mr. Secretary *Peel* said, he would not have risen at all that evening, had it not been for the very pointed manner in which he had been alluded to by the right hon. gentleman opposite. It was, however, not a little gratifying to him to find, that, after all the blame which had been cast upon government, and after the many propositions which had been made for altering the constitution of that House, the right hon. gentleman himself was candid enough to acknowledge, that not only had the country been triumphant in war, but that with respect to her internal affairs, she was contented, happy, and prosperous. The right hon. gentleman's arguments against the bill were founded upon two assumptions; namely, those which refer to the motives of its first introduction, and to the objects to which it was to be applied, now that it had been introduced. The right hon. gentleman had said, that the Alien act was first proposed, in consequence of an understanding amongst the sovereigns of the continent, that liberty was every where to be put down. Now, he must say, that he had never heard of any such understanding, and that, for his part, no consideration on earth could ever have tempted him, as an Englishman, and a minister of England, to propose a measure professedly for the internal security of this country, which had been either dictated or proposed by a foreign power. The object of the bill, according to the interpretation of the right hon. gentleman, was, to prevent the distressed from finding an asylum in this country. He could only meet that assertion, by stating, the

well-known fact, that in no instance had that asylum been denied. The right hon. gentleman had mentioned one instance which occurred before he (Mr. P.) was connected with the home department, upon which, therefore he was not prepared to give a decided answer; but he could state, that since he had held the office of secretary to the home department, not a single foreigner had been refused an asylum in this country, either on account of his political principles, or his previous conduct. The right hon. gentleman had said, that, from the period of the Revolution, up to the year 1793, there was no Alien act, and therefore he had contended, that there ought to be no Alien act now. But, did not the right hon. gentleman's own speech prove, that nothing could be more different than the state of Europe in the two periods? What was his own description of the present state of Europe? So agitated was the state of Europe, according to his own representation at the present moment, that every king was regarded by the constitutional party as a tyrant, and every friend to constitutional reform was regarded by the royalists as a rebel. The object of his majesty's government was to maintain a perfect neutrality; and they would neither permit the constitutional nor the monarchical party to make this country the theatre of their machinations. During the government of Spain in 1821, for instance, they would no more have permitted the monarchical party, than they would now permit the constitutional party, to make England, as his right hon. friend expressed it, the workshop of their intrigues. But, though there was no Alien act during the period to which the right hon. gentleman alluded, the government frequently resorted to a much stronger measure—the suspension of the Habeas Corpus act—a measure which enabled them to imprison a suspected foreigner. It had been said by the late Mr. Windham, that sending a foreigner out of the country was no more than drowning a fish; but, the suspension of the Habeas Corpus act enabled the government not merely to drown the fish, but to put the fish in prison. The right hon. gentleman had put the case of a pamphlet, written by an oppressed Frenchman, and had asked whether, if the French government called upon us to send such a man out of the country, the requisition would be obeyed? Now, he did not

know what the French government might ask in such a case, but, if it made such a demand, he well knew what would be the answer of his right hon. colleague. In the course of the last ten years many pamphlets of the description alluded to by the right hon. gentleman must have been written, and yet no instance of the oppressive exercise of the Alien act could be cited. If, therefore, they might judge of future dangers from the experience of the past, the right hon. gentleman's apprehensions were perfectly groundless. The right hon. gentleman had cautioned him not to become a police agent for foreign governments. He trusted he knew his duty as an English minister too well to submit to become the agent of any other country. He declared most distinctly and unequivocally, that he never had had the slightest communication with any foreign minister on the subject of the Alien bill. What could he do more than make this unequivocal declaration? He never had yielded, and he never would yield to such considerations as had been suggested by the right hon. gentleman, and he repeated, that he had never had any communication on the subject of this bill with any foreign power whatever. He asked for the bill solely because he thought that the interests of the country demanded it. Why, when it was the acknowledged policy of this country to be at peace, should we suffer foreigners to disturb that peace by making England the theatre of their machinations? The right hon. gentleman had said, that if it were found that machinations were carried on by foreigners in this country, so as to endanger the public tranquillity, parliament might be applied to, but surely it was better that his majesty's government should retain a power which had not been abused, than that such an expedient should be resorted to. The subject of the Alien act had been so fully and repeatedly discussed, that it was impossible to devise any new argument in support of it. He was satisfied that, if this act were repealed at the present moment, they would soon be under the necessity of resorting to much harsher measures. He considered the continuance of this act, under existing circumstances, an advantage to Aliens themselves. The hon. member for Southwark (sir R. Wilson) had assigned a singular reason for his opposition to the measure: he had declared his intention

to oppose it, because it was rendered more palatable, because the power was rendered less liable to abuse; or rather because all possibility of abusing it was taken away. He had argued, that Aliens who had resided seven years in the country, were as likely as any others to plot against their government, and yet no precautions were taken against them. This might or might not be consistent with sound policy, but he would ask whether it did not conclusively prove, that foreign governments had nothing to do with this measure, and that his majesty's ministers had not acted on foreign suggestions? They had acted only with a view to English interests; they were ready to permit foreigners to take refuge in this country as an asylum, but not to allow them to desecrate that asylum, by converting it into a scene of intrigue and machination. On these grounds he sincerely hoped that parliament would consent to continue to his majesty's government for two years, the powers which the Alien act conferred.

Lord *Althorp* said, there were some parts of the speech of the right hon. secretary for foreign affairs, which he had heard with satisfaction. He alluded particularly to that part of it in which he had stated; that this was the last time he should apply to parliament for these powers. The right hon. gentleman had stated, somewhat inaccurately, an observation which he (lord A.), had made on a former occasion. He had not stated, that he should prefer a specific act of the legislature for each particular case, but that he should prefer a general act of parliament, making such machinations as excited the apprehensions of the government illegal, to a continuance of the Alien act.

The House divided: For the second reading now, 172. For the amendment 92. Majority 80. The bill was then read a second time.

HOUSE OF COMMONS.

Monday, April 5.

ALIEN BILL.] Mr. Secretary *Peel* hoped there would be no objection to passing the Alien bill through a committee without opposition, and taking the further debate on the third reading.

Mr. *Hume* was unwilling to create a debate at present, and particularly as the right hon. secretary for foreign affairs

had intimated that this was the last time they should be troubled with this obnoxious measure. Still, he considered it so objectionable, that he should, in the committee, propose a clause, to limit the duration of the bill for one year.

The House resolved itself into a committee on the bill, and Mr. Hume moved a clause, confining the duration of the bill to one year instead of two.

Mr. Secretary *Peel* hoped that the declaration of his right hon. friend, which so materially altered the view of the bill, would induce the hon. gentleman not to press his motion.

Mr. *Hutchinson* said, that nothing but the lateness of the hour when the right hon. secretary for foreign affairs spoke on a former night, prevented him from replying at the instant to a speech fraught with the utmost injustice to the emigrants who had sought an asylum in England. He should, therefore, on the third reading, state his sentiments generally upon this most obnoxious and unconstitutional bill, and upon the speech with which it was attempted to be so improperly forced upon the attention of the House.

Mr. Secretary *Peel* said, it would be certainly open to any hon. member to endeavour to throw out the bill on the third reading, and that allowing it to pass through the committee compromised no hon. member's opinion on the subject.

Lord *Nugent* protested strongly against the bill, which should, in all its stages, have his most decided opposition.

Mr. *Hobhouse* did not wish that any body should have the opportunity of saying, that this bill had received amendment from his side of the House. He would give all the honour of it to the other side, and would allow no part of it to be shared among his friends. He therefore intreated his hon. friend to withdraw his amendment.

The amendment was then negatived, and the original clause carried without a division.

REPAIRS OF WINDSOR CASTLE.] The House having resolved itself into a committee of Supply,

The *Chancellor of the Exchequer* said, that early in the course of the present session he had given notice of his intention to call upon the House to grant his majesty a certain sum of money, which appeared to be within their means, to be applied to the purpose of making certain alterations

and repairs in Windsor Castle, which seemed to him, and he trusted would be considered by the committee, becoming the nature and character of that structure. He had stated also that it would be important to the advancement of that object to make some purchases of certain Houses and portions of land, without which the improvement of the Castle and the demesne could not be accomplished. He had further stated, that the probable sum which would be required, as far as it was possible to form an estimate, might be taken at 300,000*l.*; but that all which he meant to ask for in the present session, was half that sum. It would not be necessary to trouble the committee with a repetition of the observations he had made, to explain the grounds upon which it appeared to him fitting and proper that that ancient and venerable structure, so long the chosen residence of the monarchs of this country, should be treated with that respect which parliament and the country had ever evinced, with a view to uphold the splendor and magnificence of the monarch who reigned over them. However, it would be necessary that he should state the mode in which it appeared to government that this money could be best applied. The first object which was to be considered, was the personal comfort and convenience of the monarch. Every one who was acquainted with Windsor Castle must know, that the apartments usually occupied by his majesty were in many respects extremely inconvenient, on account of a want of proper communication between them, which was only obtained by cutting off parts of different rooms, and thereby destroying the proportion of the building; and no one could deny, that the palace which the monarchs of the country had chosen for their general residence, should not be deficient in comforts and conveniences, for want of the necessary funds which the public were bound, and had always been accustomed, to supply. It was to accomplish this object that their exertions should be directed in the first instance. It would be material to make, what did not at present exist, a convenient access from that part of the castle which was appropriated to private use, to what were usually denominated the state apartments. There were many purposes to which this part of the castle was applicable. Then there were apartments which had been known for centuries by the name of the king's state-rooms, and others that

were equally well known by the name of the queen's state-rooms. Between these rooms and those which the king usually occupied, it was only fitting that there should direct and commodious communication. Now, it was impossible for the king to go into the state apartments from his private apartment at present, without making a considerable *detour*, and without encountering several inconveniences, to which, for various reasons, he ought not to be subjected. To open a free communication between these distinct parts of the castle was the second object to which this sum of money would be applied. The third had also reference to the state apartments. Nobody would deny that they ought to be maintained with a degree of splendor that was becoming the sovereign who ruled over the country, and also the country over which he ruled. It was therefore proposed that a certain part of the grant should be applied to the embellishment and improvement of this part of the castle. It was also not impossible that it might be advisable to make some alterations, though not to any great extent in the interior of the castle. The committee were aware, that at different periods several alterations had been made in its interior, and those not always consistent with the age and character of the pile, or conducive to the convenience of those who occupied it. It might perhaps be as well, now that they were occupied in repairing and beautifying this venerable structure to remove also the unsightly alterations which ignorance and bad taste had made in it. The committee were aware, that there had already been a removal of certain buildings reserved for the residence of certain officers of state, which though not belonging to the castle, were placed directly before it. The buildings to which he alluded ran across the long walk, intercepted the view over it, and were one of the greatest eye-sores that could be well imagined to any person who was anxious to obtain a distinct view of Windsor-castle. It had therefore been thought advisable to remove them altogether. Besides these buildings, there were others which were objectionable as deformities in themselves, and still more objectionable as deformities growing upon that otherwise beautiful structure. Now, as there could be no difference of opinion as to the propriety of removing buildings so incongruous, he trusted there would also be no difference

as to the mode of effecting that removal. Some of these buildings, he must inform the committee, were the property of private individuals, and therefore must be purchased before they could be removed. One of the objects of the grant would therefore be the purchase of those buildings; to which he thought nobody would be averse, who felt at all interested in the beauty of the Castle. The same observation would also apply to the purchase of certain portions of land, which were necessary to the improvement of the domain of Windsor-park. There were at present several detached portions of ground in the hands of private individuals, which were completely surrounded by the Park, and which it would be a great improvement to add to it. These portions of ground were adjacent to the Long-walk. Every body knew that that walk was the most majestic avenue in the world; and yet there were individuals possessed of ground on both sides of it, who could at any moment destroy its grandeur by erecting houses, or streets of houses, upon it. Those individuals, he knew, were willing to part with their property for a suitable remuneration; and, if the committee should be of opinion that the domain of Windsor-park ought to be improved, he did not know of any method by which it could be better improved than by purchasing such portions of land as he had just described.—He had now stated to the committee the objects for which he wanted this sum of 300,000*l*. He might perhaps be asked,—how it was that he came down to parliament to request of it so large a sum of money, when he had no detailed estimates, or accounts of the expense to be incurred to lay before it? To such a question he would answer, that it was not easy to draw out estimates upon a subject like the present, especially when there was property to be purchased for which the negotiations had not been concluded, and when there were plans to be considered, of which every portion ought to be discussed before one step was taken to execute them. He said “every portion ought to be discussed,” because, without such discussion they might be involved, as they had already been once this session, in works which it might be unadvisable to bring to a conclusion. It would be particularly unfortunate if any thing of that kind should occur in the works at Windsor, because they could not be commenced without considerable inconvenience to his majesty—a consideration

which he was sure would induce the committee to do every thing in their power to shorten the time during which his majesty must necessarily submit to it. If the committee should refuse to place in the hands of government the funds which it demanded, until it received an estimate of all the expenses to be incurred, the present year would elapse before a single measure could be taken, either to repair or beautify the Castle; and his majesty must remain for another twelve months exposed to all the various inconveniences which he had before attempted to describe. He therefore trusted, that the committee would not think the circumstance of his not detailing the precise nature of the alterations to be made, and the expense to be incurred, a sufficient reason for denying him the sum which he requested. He knew that in asking for the money in the manner he did, he was incurring a serious responsibility on behalf of the government of which he was a member, and that he was calling upon the committee to repose upon the government, in full confidence that it would not allow the money intrusted to its care to be applied to unworthy purposes. That responsibility, however, government was willing to incur, and he trusted that its conduct had been such as to justify the committee in placing in it the confidence he demanded.—There was one part of this subject which he had not yet mentioned, and to which he was particularly anxious to refer; he meant that part of it which referred to the appointment of a commission to superintend the plans, upon the execution of which this sum of 300,000*l.* was to be expended. Great misapprehension appeared to have prevailed with regard to this commission. In the first place, it never was intended that parliament should have the appointment of this commission, unless it were found necessary to give it powers which no branch of the government at present possessed. As it was not, however, necessary to give them any such powers, there would be no occasion to ask parliament to sanction the commission, and the commission would therefore be issued in the usual manner. With regard to the appointment of a commission, he had heard it stated, that it was not only an unnecessary, but even an unconstitutional measure. He allowed, that a commission would be highly improper, if it were appointed for the purpose of withdrawing from his majesty's govern-

ment the responsibility which naturally belonged to it. Some individuals would necessarily be placed in the commission, from the very nature of the offices which they happened to hold; and that being the case, gentlemen would see, that his majesty's ministers were not desirous of throwing off their own shoulders the burthen which they acknowledged it to be their duty to bear. He fully admitted, on behalf of government, that it was the only party that could be responsible for the expenditure of the money: he likewise admitted, that it was responsible also for another part of this subject—he meant that which related to taste; but, at the same time that he admitted all this, he still thought, that the committee would not be surprised at hearing that those who would become commissioners *ex-officio*, were anxious to avail themselves of the opinions of other gentlemen, who were fully competent to give trust-worthy opinions. He did not know that it was the part of the executive government, or of the first lord of the Treasury, or of the gentleman who filled the office which he then held—he did not know that it was incumbent upon all or any one of them, that they should be persons skilled in matters of taste. He could not pretend to the character of a man of good taste himself; he should therefore be happy to have the advantage of the judgment of others, to direct him upon any points on which his own might be defective. Mr. Burke had declared, that it was quite hopeless that much attention should be paid by the government of this country to the fine arts; for it was impossible, he said, that our statesmen, either from their education, or from their various occupations, should be much skilled in matters of that kind. And, if he were to judge of the difficulty of performing this part of his duty—if, indeed, matters of taste fell within his duty—from what had already occurred during this session, he should say, that it was by far the most arduous duty that he had to perform. Every one was, to a certain degree, able to condemn, and in all affairs of the world, condemnation implied a proof of a capacity to execute. When, however, it became necessary to consider what ought to be done, and not to find fault with what was already done, then he found that there were scarcely two persons who agreed on any one point. He therefore considered it too much to say, that government ought not to avail itself of the

assistance which it could not fail to derive from men of acknowledged taste and ingenuity. Besides, the mode which government was inclined to adopt upon this occasion was not entirely without precedent. In former times of our history, nobody ever thought it requisite that the executive government should have any taste; and, for his own part, he did not know whether it had ever possessed any. Matters of that kind were generally left to the Board of Works, and to the individual who happened to be at the head of it. In consequence of that arrangement, the repairs of Windsor Castle were, on one occasion, left to sir W. Chambers. Whatever opinion the committee might have formed as to the merits of sir W. Chambers—and he, for one, thought that they had been considerably over-rated—he was still thought able to perform the task allotted to him, notwithstanding all the satire which Mason had launched against him in his celebrated “*Heroic Epistle*.” At that time nobody suspected the Treasury of taste, and, as he had before said, over matters of that kind the Board of Works reigned supreme arbiter. In the year 1802, however, when parliament voted a large sum of money for the purpose of perpetuating the gallant achievements of our army and navy, and when it was determined to erect public monuments to the memory of those who had died in bravely fighting the battles of their country—at that period, a measure was adopted, which had been regularly adopted ever since, for the purpose of giving full effect to the resolutions of parliament. A Treasury minute was issued, appointing certain individuals to consider all plans which should be submitted to them, for the erection of monuments to departed worth. Those individuals had been treated in that House with a degree of disrespect which, in his opinion, they little merited. They had been sneeringly denominated “the committee of taste.” Now, those individuals had never had any thing to do with the erection of the monuments—to that part of the business the Treasury always looked itself: all that they had to do was, to judge of the plans submitted for their approbation. The system which the Treasury adopted in 1802 had been productive of great advantage; and he believed that a great and visible improvement had taken place in the arts, owing to its having availed itself of the assistance which it then called in. That system, he again

repeated, did not deprive the Treasury of any responsibility to which it was before liable: it inspired the public, however, with confidence that the monuments which its gratitude erected to its benefactors were not erected without the sanction of the most competent judges. He therefore considered it productive of great practical benefit, that the executive government could have, through this medium, the advantage of the opinion of those persons who were best able to take a scientific view of such matters, and by the weight of their character to recommend their view to the public generally. It was for that reason that his noble friend at the head of the Treasury and himself thought that the public would be better satisfied if they were authorized to call in to their assistance individuals with the qualifications he had before described. His noble friend, and his right hon. colleague the commissioner of Woods and Forests, would be members of the proposed commission. Without wishing to withdraw themselves from the responsibility which belonged to them, being always ready on his own behalf and on that of his colleagues to come before the House and defend their conduct, taking for his motto “*Adsum qui feci—in me convertite voces*,” he trusted that it would not appear strange that they wished to avail themselves of the assistance of men whose opinions upon points of taste all the country agreed in respecting. He therefore hoped that the committee would not, either on account of the amount of the sum, the principles on which he asked it, the mode in which he intended to apply it, or the assistance which he designed to call in for furthering the objects for which it was wanted, withhold from him the grant of 150,000*l.* for this year. He should now conclude by moving, “That a sum, not exceeding 150,000*l.* be granted to his majesty, towards defraying the charge which may be incurred in the year 1824, for Repairs and Work to be executed at Windsor Castle, and for the purchase or exchange of certain lands adjoining thereto; and that the said sum be issued and paid without any fee or other deduction whatsoever.”

Sir Joseph Yorke thought, that nothing required more taste or greater delicacy, than the approach to a question like the present, in which the subject was, the residence of the sovereign, and in the discussion of which it might perhaps be necessary to throw cold water on the

ardent speech of the chancellor of the Exchequer. With respect to Windsor Castle, it struck him that, as it had been so long the residence of a race of monarchs all that it was necessary to do regarding it was to keep it in proper repair. For what purpose were they now going to expend this sum of money on that venerable structure? To render it of one uniform style of building? It was well known that the second Charles had altered all the windows to the Saxon arch, and that the third George had altered them to the Gothic arch. If gentlemen would examine the Castle through, they would find, that all the windows were of one or other of these two orders. Now, were the committee going to alter these windows to some standard of uniformity? And, if they were, could they give the country a guarantee that some successor of the present monarch would not alter them back again to their former condition? With regard to the commission, he supposed that, in addition to the noble earl at the head of the Treasury and his two right hon. friends below him, there would be Mr. Smirke from Covent-garden, with Mr. Soane at his back, Mr. Nash, with his Chinese pavilion (on whom, by the by, his hon. friend the member for Corfe Castle, had lately borne rather too hard), and Mr. Wyatt, with his genuine Gothic. In that mixed commission of taste, and arithmetic, and architecture, he did not know what might be done with Windsor Castle; but he suspected, that if his right hon. friend went galloping on, buying up lands and houses as he had professed that he would do, he would not conclude until he had purchased up the whole town of Windsor. With respect to the proposed alterations, it was very probable that the opinions of architects would be taken, whose ideas were opposed to each other as completely as the four points of the compass. Then, they were to have the assistance of a mixed commission; and, finally, the House of Commons, which never decided any thing, was to be consulted. Under such circumstances, it appeared to him, that they would not form a better building than that which they had at present. He understood it was intended to erect a suspension bridge between Windsor-park and the palace itself. If they went on in this way, he supposed that, ultimately, this venerable royal residence would be taken down, and some extraordinary

Gothic structure would be raised on its site, such a structure as would probably excite the astonishment, if not the admiration, of mankind. Though he did not mean to vote against the grant, yet he should not be doing his duty to the country, if he did not call on the House of Commons to approach this subject with some degree of caution. If they did not, it was very likely that a large sum of money would be laid out, and a palace less noble than the present would be the result of the expenditure.

Mr. *Banks* wished to impress on the House the necessity of proceeding cautiously and circumspectly on this occasion. The ill effects of haste and precipitancy were observable in the buildings now erecting in New Palace-yard, by which the beautiful entrance to Westminster-hall was absolutely disgraced. He believed there was not a man in that House who did not wish that those buildings had never been erected. With respect to Windsor Castle, he admitted the necessity of taking down some adjacent buildings, which were objectionable to the commonest and least scientific eye. If that fine edifice were intended to become, as he trusted it would, the permanent residence of the sovereigns of this country, he thought it ought to be repaired in a manner befitting the dignity of the Crown, and the grandeur of this great nation. In such a case, it would be proper to inquire, whether there was sufficient accommodation for the convenience of the sovereign in private, and whether the public apartments were possessed of that splendor which ought to distinguish a court. He believed the fact to be, that the private apartments were by no means commodious, and that those of a public character were not suited to the splendor of a court. A good deal of what had just fallen from his gallant friend struck him very forcibly. His gallant friend had accused him with having, on a former night, spoken slightly of a certain architect; but, what his gallant friend had said on the present occasion was not much in that individual's favour. He (Mr. B.) was of opinion, that there was no modern architect whose works could be entirely commended. If, for instance, they looked to the new street, they would find some of the buildings remarkably beautiful, whilst others were not deserving of approbation. He conceived that, in forming those apart-

ments in Windsor Castle that were to be devoted to public business, one grand prevailing feature of taste ought to be adopted. As to the exterior, the great object ought to be, to pull down as little as possible, and to preserve with the utmost care, the uniformity of style by which the building was distinguished. He wished that the style of architecture of the reign of Edward 3rd, the great monarch in whose reign the Castle was built, should be kept up as much as possible. In order the more effectually to attain the object which government had in view, he thought it was important that a great variety of plans should be obtained from different quarters. These should be submitted for approbation to persons whose knowledge of the subject was generally admitted. His right hon. friend the chancellor of the Exchequer was, he believed, perfectly competent to decide; but, as his other duties might prevent his attending to this subject, it would be proper, that some person should be appointed in the office of the Board of Works, or the Surveyor-general, or elsewhere, not to find fault with any plans that might be sent in, but to insure the selection of the best. It was impossible that his right hon. friend, or the members of the Treasury Board, could compare plan with plan, drawing with drawing, and elevation with elevation. Therefore he wished that duty to be performed by others. It was desirable that the intended palace should be not only beautiful in itself, but that the style of the reign of Edward 3rd should be uniformly preserved in every part. He was quite convinced that, if an attempt were made to restore Windsor Castle to what it was formerly, every application to that House for the funds necessary to carry on the work would receive the most cordial support.

Lord *G. Cavendish* was of opinion, that the whole responsibility of this measure ought to rest with his majesty's ministers, and with them alone. There was, undoubtedly, a certain sum proposed to be granted; but, who could say, that double or quadruple that sum would not be demanded before the works were finished? He thought it, therefore, unfair to call on gentlemen who were not connected with his majesty's government to lend their assistance, and they to become responsible, in some degree, for the expenditure of the public money. For his own part, he would recommend those who might be

requested to give their aid on this occasion, to refuse the application.

Mr. *Curwen* observed, it was very true they had the declaration of the right hon. gentleman that 300,000*l.*, of which the sum now proposed formed a part, would be perfectly sufficient for the intended object; but that declaration was not enough for him. He did not think he would be justified in agreeing to this grant, unless it were proved to him, that the alterations and repairs would not require more. He felt that he should not be acting fairly towards the public, if he agreed to a plan, with the details of which he was wholly unacquainted.

Mr. *Hume* said, it had been recommended, long ago, by the report of a committee, that no money should be advanced for the purpose of erecting or repairing public buildings, unless a plan and estimate were previously laid before the House. Now, what plan or estimate had been produced on this occasion? They had nothing on which to act, except the statement of the chancellor of the Exchequer: and a more indefinite statement he certainly had never heard. He, therefore, was much surprised, that the hon. member for Corfe Castle should at once give his sanction to this measure. Ground, he understood, was to be purchased. He should like to be informed to what extent. He had been told the purchase of ground would require at least 150,000*l.* He thought it necessary to stop, *in limine*, until the whole of the details were before the House. The right hon. gentleman himself did not know what plan would be finally decided on. Why, then, did he call on the House for this grant? Why, did he not wait till the plan was adopted? Whoever was to erect or to repair this building, let the proposed alterations be pointed out to him; and let him submit a plan of the best mode in which the changes could be made, and an estimate of the probable expense. This was the only way in which the subject could be grappled with. If he were rightly informed, one-half of the sum mentioned by the chancellor of the Exchequer would be swallowed up in the purchase of ground. Next year the right hon. gentleman would ask for 50,000*l.*, and the year after for 100,000*l.* Then, perhaps, he would tell the House, after having expended these sums, that the work must stop short, unless a further supply were granted. If the plan were

to be settled by the 1st of May, why did the right hon. gentleman come down for money now? He believed there was no necessity for this hurry. In his opinion there was at present very good private accommodation at Windsor Castle; and as to holding courts there; he certainly did not think it was necessary. If preparations were to be made for holding a kingly court on an extensive scale at Windsor, they might rest satisfied, that five times the amount of the proposed sum would not be sufficient for the undertaking. The right hon. gentleman told them, that a specific plan would be adopted; but, could he say that his majesty might not hereafter alter it? He must know very well, that the plan laid down on the 1st of May might be altered on the 15th: there was nothing to prevent it. He would not vote against the grant altogether; but he could not vote for it, unless he knew what changes were contemplated, and what the probable expense would be. Certainly, that House would be acting in a way in which they had never acted before, if they voted money for erecting or altering a building of very great extent, without having all the necessary information before them. He hoped, therefore, the right hon. gentleman would see the propriety of postponing this grant, until he was ready to submit his plans to parliament. It would show an utter regardlessness of the public interest, and a decided contempt for various reports made by committees of that House, if they proceeded to vote a sum of 300,000*l.* without knowing for what specific object. He should therefore move, "That this vote be postponed until the plan and estimate are prepared, and laid on the table."

Mr. *Grey Bennet* begged leave to second the motion of his hon. friend. He felt no small alarm at the speech of the right hon. gentleman coupling it, as he did, with the observations of the hon. member for *Corfe Castle*. In making the alterations at Windsor Castle, which were now threatened, he hoped care would be taken not to disfigure the south front. It was one of the most beautiful specimens of Gothic architecture in the kingdom. It was admired by all as a perfect model of that species of the art, and ought to be preserved with the utmost care. He was, however, afraid, that in the rage for alteration, some unhallowed hand would deform and disfigure that noble piece of

art. The late experience which they had had on the subject of architecture was not calculated to remove his apprehensions on this point. They must have remarked with regret the progress of bad taste in architecture, beginning at Brighton and ending in the New street. Such structures had been raised in all quarters, as must excite the disgust of every man who had any pretensions to taste. Buildings of the most strange description had already been erected in the vicinity of Windsor. One of these was a sort of Gothic cottage, with a thatched roof—a sort of thatched Henry the Seventh's chapel, the building of which cost 30,000*l.* The architect had also raised a red brick tower in Windsor park. That, he understood, was to come down; at least he hoped it would. At Brighton, too, a most extraordinary edifice had been erected, at a great expense. He believed the money for its erection was not voted by parliament, but was taken out of the droits of the Admiralty. That, however, was of little importance. Whether it was taken out of the right hand or the left, it was unquestionably abstracted from funds which might have been made available for the public service. Before they hastily voted the sum now called for, he wished to put the House on their guard against supposing, that the work would be completed for the sum mentioned by the right hon. gentleman. He would put them on their guard, by repeating two words—"Caledonian Canal." Let them recollect the history of that notable work, and pause. They were told, that a certain stipulated sum would be sufficient to finish the canal; but, year after year, they found the same item in the estimates. After 500,000*l.* had been voted, ministers said, "we want 50,000*l.* more." Those who objected to the job, called on the House not to throw good money after bad. But ministers always had the ready answer, "Oh! as we have gone so far, let us spend something more, and make the work perfect." Thus, the Caledonian Canal went on; and thus, he believed, those repairs would proceed. Year after year there would be a call for 150,000*l.*, and he believed the youngest man in that House would never live to see Windsor Castle finished. It would take millions of money to complete that work. He would ask of any person who had ever attempted to repair an old house, whether it did not always cost much more than he

had supposed it would? He knew, in his own family, that an estimated expenditure of a few hundreds for repairs was ultimately swelled to many, many thousands. He ventured to predict, that, in this instance, the result would be the same. He wished to see the plan, and to know the name of the hardy architect, who would project the pulling down of any part of Windsor Castle. He would not consent, either that the "select many" of the right hon. gentleman opposite, or the "select few" of the hon. gentleman on the floor (who, he supposed, would himself be one of them) should decide on the subject. He wished the plan to be laid before the public: he wished them generally to give their opinion on it; and, above all, he was desirous to learn the name of the architect who entertained the project of pulling down a portion of that ancient and venerable edifice, Windsor Castle.

Sir C. Long said, that those gentlemen who fancied that any intention of pulling down a part of Windsor Castle was entertained by his majesty's government, laboured under an entire mistake and misconception. He never heard that it was meant to pull down any part of that ancient edifice: he believed such a project never entered into the contemplation of any person. With respect to what had been said as to the responsibility which would be incurred by those whose services might be required in looking at the plans, a great mistake prevailed. In calling on them to examine the plans, it never was intended that they should be at all responsible for the expense that might be incurred. The responsibility, with reference to the expenditure of the public money, would attach solely to his majesty's ministers. His hon. friend, the member for Corfe Castle, appeared to think that Windsor Castle ought not only to be repaired, so as to afford the best possible private accommodation for his majesty, but that great regard should also be had to the splendor of the apartments, to render them fit for holding courts. He, however, never knew that his majesty entertained any intention to keep his court at Windsor. Occasions might arise, when it would be necessary for his Majesty to meet large assemblies there; but the idea of holding courts there never was promulgated. The hon. gentleman who last spoke condemned, in strong terms, any alteration of Windsor Castle, and more

particularly any alteration of the south front. Here, again, there was a misconception. He never heard it insinuated that the south front was to be altered. That front was pretty much in the state in which it had been left in the time of Edward, and was undoubtedly, as the hon. member had stated, a very perfect specimen of the architecture of that day. His hon. friend on the floor had suggested the propriety of having the alterations made, as nearly as possible, in the style of the original architecture. This would be done as far as it was practicable: but it would be absurd to have them entirely in that style. Gentlemen would recollect, that at the period when that edifice was founded, castles were built as places of defence, and therefore a species of architecture was adopted, which could not, in some instances, be followed now. Circumstances had rendered the application of that species of architecture improper, in some instances; but care would be taken to preserve as much of the original character of the architecture as it was possible to retain. His hon. friend on the floor had said, that he would invite plans from all quarters. They had tried that system, in many instances; and those who had tried it acknowledged that it was beset with difficulties. It frequently happened, that the man who produced a good plan was totally unable to carry it into effect. He who presented a good plan, always expected to carry it into execution, however inadequate he might be to the task; and it was very difficult, if he were not allowed to carry it into execution, to procure another person who would. It was therefore better that the competition should be confined to a few architects, but that they should be of the first-rate excellence. He conceived that the statement of his right hon. friend was perfectly satisfactory. He had given a general estimate, as nearly as possible—A detailed estimate could not be expected at that moment. His right hon. friend had explicitly stated, that the whole sum required for the necessary purchases, and for the repairs of the Castle, would not exceed 300,000*l*. The hon. member for Aberdeen asked how it was possible for his right hon. friend to confine the expenditure to the estimated sum? He saw nothing difficult in it. The architect, when called on to give in his plan, would, of course, be told, that he must form such a plan as would come within a specified sum. To that it

was his duty to conform. The hon. gentleman seemed to think, that this mode was very objectionable: but, he was quite sure, that if some specific sum were not stated, the hon. gentleman would say, that it was impossible for any one to tell to what extent the expenditure would be carried in the absence of a plan and estimate. The architects would be told, that they would be confined to a certain sum of money; and that, he conceived, was the only mode by which the object could be properly attained. Every thing should be done for the convenience of his majesty; and it was an undoubted fact, that Windsor Castle was not at present in a state fit for his majesty's residence. The communication between the private and the state apartments was very defective, and it would take a considerable sum of money to connect them properly.

Lord *J. Russell* quite agreed with the last speaker, that it was proper Windsor Castle should be rendered every way worthy of his majesty's residence. He believed it was at present in such a situation, as made it prudent to delay the necessary repairs as little as possible. Still, however, he should like to know what repairs or alterations were intended. They ought not blindly to vote this money, they knew not for what; with a chance, perhaps, that some part of this ancient edifice would shortly assume the external appearance of a Mahometan mosque. The right hon. knight observed, that the hon. gentleman on the floor was mistaken in supposing that his majesty meant to hold courts at Windsor; and he had also observed, that his hon. friend was in error, when he spoke of the pulling down of the south front. Now, the right hon. knight might be very well informed on this subject; but it was fit that the House also should have some regular information as to what was meant to be done. The vote, he thought, ought to be postponed until they knew the manner in which the money was to be disposed of. The right hon. knight observed, that those gentlemen who would be selected to act on the commission, would not be answerable for the expenditure of the money, as the whole of that responsibility would rest on the Treasury. But, if there happened to be a call for more money, or if the building should be repaired in bad taste, there could be no doubt but that the commission would be blamed in a greater or less degree, although they were not lords of the Treasury.

He therefore thought it was a situation which those who might be selected for the commission would not like to accept. The chancellor of the Exchequer had said, that this was a subject on which every person could speak the language of censure and condemnation. Now, when that condemnation was flying about plentifully, he, for one, if selected, should say, "I am much obliged to you for this offer, which will enable me to share in the general condemnation, but I must decline accepting it. I would much rather make one of a commission which is likely to be eulogized." The architects might say, "This sum is not sufficient to render Windsor Castle a fit residence for the king; we will give you a plan that will complete the Castle, and make it worthy of the monarch; but it will cost 50,000*l.* more." The chancellor of the Exchequer would perhaps reject that plan, after having received 150,000*l.* on account, and no person would know what was to become of that money. The proper course would be, for the right hon. gentleman to come down with a plan and estimate, drawn up by an architect, and then to call for the necessary sum. The architect who might be employed to make the Castle comfortable would be responsible to those who engaged him, not to expend a larger sum than that which was stipulated. It had been stated, that 150,000*l.* out of the 300,000*l.* would be required for the purchase of ground. If that were the case, it would be much better to build on the Crown lands, rather than to call on the public for this money.

Mr. *Maberly* wished to know, whether the right hon. gentleman was prepared to say that the vote of 150,000*l.*, now called for, was part of the 300,000*l.* which he had mentioned in the course of his speech, and whether the House would be called on for no more than this specific sum of 300,000*l.*? What he wanted distinctly to understand was this—was the 150,000*l.* which the right hon. gentleman asked for, part of a specific sum which was not to be exceeded; or was it only so much on account of a charge not yet ascertained? He was far from wishing to limit the personal convenience, or to dictate to the taste of the sovereign; and if the chancellor of the Exchequer distinctly declared, that 300,000*l.* would be the utmost farthing called for, he had no objection at once to vote the 150,000*l.*; but, unless that assurance was given unequivocally, he

should certainly support the postponement of the grant, until ministers produced such plans as the House might concur in. He begged to repeat the indisposition he felt to oppose the present grant a moment longer than was absolutely necessary; but he thought that after the monstrous waste of money which had taken place on the schemes of the Caledonian Canal and the Millbank Penitentiary, parliament could not be too cautious how it voted large sums without the authority of plans and estimates.

The *Chancellor of the Exchequer* expressed his satisfaction at the ready disposition which appeared in the House to acquiesce in every thing which was necessary for the convenience and honour of the sovereign. Such a disposition was creditable in the highest degree to the House, and the exhibition of it could not fail to give much pleasure to every lover of constitutional monarchy. With reference to that which had just fallen from the hon. member opposite, nothing could be more preposterous, certainly, than for him (supposing he was doing such a thing) to be calling for sums on account of an expenditure which he believed to be indefinite. But, the view which he took of the thing was extremely different. He had stated on a former evening, that the sum to be laid out was 300,000*l.*; and he now asked, distinctly, for 150,000*l.* on account of it. He had no hesitation in saying, that certainly nothing which was contemplated—nor any thing, as it seemed to him, which could reasonably be contemplated—would go beyond that charge of 300,000*l.* Obviously, it was difficult to come to any detailed estimate at the present moment, because a portion of this 300,000*l.*, the House was aware, was to be laid out in the purchase of land and houses adjoining Windsor Castle; and to name any specific, or even any probable sum for such a purchase would, in all likelihood, be for government to raise the market against itself. With regard to the course of alteration which was to be pursued, the hon. member for Shrewsbury was mistaken in supposing that all sorts of tricks were to be played with the outside of the Castle. There had been some buildings of late years added to the main structure, which were not very effective in the way of convenience, and perhaps deformities, rather than otherwise, architecturally considered. These were to come down; but, no hand was to be laid upon

the body of the Castle; in fact, the bad taste of making any deviations from the simple grandeur which characterised the building as it stood, was too obvious, under any circumstances, to be fallen into. The course which was proposed was this—four architects of the first eminence were to be called upon to furnish plans, the nature of the work wanted, and the amount of expense allowed, being explained to them beforehand. They were to be shown the want of accommodation for the personal residence of his majesty, and the insufficient communication existing at present between the private residence and the state apartments; and the repairs and improvements which were necessary in the state apartments themselves. They were then to be told, that 300,000*l.* was all that could be allowed for what was to be done, and that they must frame their plans in such a manner as to lie within the scope of that amount. Now, really, this, he apprehended, was the only reasonable course to pursue. For if architects had been set to work without any notice of what would be paid or what was wanted, each plan would have depended upon the accidental fancy of the gentleman who drew it, and so nothing like an available or definite conclusion would have been got at. Indeed, he could not but feel the more surprised at the objection taken to the present vote, because the House had made no scruple of granting two sums for building last year—17,000*l.* to the board of Trade, and 40,000*l.* for the new library to the British Museum—without any demand that plans or estimates should be produced. The right hon. gentleman sat down by stating, that, as far as regarded the question of responsibility, there could be no question that all responsibility belonged to the government. In an affair which was purely a matter of taste, there would be an advantage, and he should feel it, in having opinion to resort to; but the commission was not suggested with any view to screen ministers from blame. Blame, he anticipated none; because he had no doubt that the whole arrangements would be such as to meet the public approbation; but if any blame did arise, it would be the business of the government to meet it; and, although he could not exactly agree that a minister ought to have his head cut off, or even that he ought to be impeached, for such a misdemeanour as bad taste, yet, whatever reasonable consequences accrued out of the present transaction, he should be ready to take his share of.

Mr. *Ellice* observed, that the right hon. the chancellor of the Exchequer did those on his side of the House only justice, when he allowed that they had not expressed any objection to put Windsor Castle into a proper state for the residence of his majesty. He perfectly concurred in the expediency of that intention, and hoped that such plans and estimates would be formed respecting it, as would prove satisfactory to all parties. When such plans and estimates should be produced, he was prepared to vote a sum for carrying them into effect, whether the sum required was precisely 300,000*l.*, or whether it was less, or even if it should amount to half a million. Whatever was necessary for his majesty's comfort and dignity he should be prepared to vote; but he repeated, that he must have the distinct plans and estimates before him. To this conclusion all the speeches tended which he had heard, even that of the right hon. gentleman, whose plan was, to use a vulgar expression, to make the architects "cut their coats according to their cloth." The hon. member then proceeded to notice the intended purchase of land and houses at Windsor, and wished to know, whether that purchase might not be paid for by a sale or exchange of Crown lands, instead of putting the country to expense, when the remission of taxes was so very desirable? He should be sorry to see any thing disposed of which tended to the comfort or to the splendor of the Crown. It had been said, for instance, "sell Kew," but he did not like the idea of parting with our palaces or royal gardens. But the ground-rents which had accrued to the Crown out of the new streets in Westminster shed no lustre upon that throne. Since what was called the hereditary income of the king had been given up for the civil list, there could be no reason why the Crown should have ground to let out to tenants; and the sale of these ground-rents in Westminster might cover the expense of the purchase to be made at Windsor. The hon. member concluded by noticing, with reference to the statement of the chancellor of the Exchequer, as to architect employed, the peculiar merit of a new church which had been built at Chelsea. A want of money had prevented the building from being completed exactly as might have been wished; but no one could look at it without paying a tribute to the talents of the architect.

The *Chancellor of the Exchequer* said, that the ground-rents to which the hon. member alluded, were not available to the Crown, but were paid into the consolidated fund. It could make no difference, therefore, whether they were sold to make the purchase at Windsor, or whether money were at once granted for that object.

Mr. *Calcraft* thought, it still was not quite clear, that, with reference to the interest of money, a sale might not be advantageous. With respect to the main question, however, most decidedly he wished to see an estimate; because, it might so happen, that an architect, on hearing the sum to which he was limited, would say, that, to do the work properly, that sum was not sufficient. If the chancellor of the Exchequer would pledge himself distinctly not to embark in the work unless he found the 300,000*l.* would be sufficient to complete it properly, he would give the money now; but, if not, he should vote for the postponement.

The *Chancellor of the Exchequer* said, he could have no objection to answer the hon. member's question. Of course, it would be extremely unwise to embark in the present business, either as regarded purchase or building, if the architects represented that 300,000*l.* was insufficient to perform the work proposed to them, in the way in which it ought to be done. No man, he apprehended, would be likely to plunge himself into bricks and mortar, under such circumstances.

Lord *Milton* said, that, as it seemed to him, the chancellor of the Exchequer must support the proposition of the hon. member for Aberdeen; because, the right hon. gentleman pledged himself, that he would not embark in the work, if it should appear upon inquiry that the sum allotted was inadequate to complete it. Then why not make that inquiry at once, and defer the vote until an estimate was prepared? Certainly, ministers ought not to take any money, until they could say that they had seen plans and estimates which led them to believe that the grant would be sufficient.

Mr. *Secretary Canning* understood all parties to concur in a desire to further, up to any reasonable amount, the honour and convenience of the Crown. The question was, as to the most expedient mode of managing the transaction. This might be done, certainly, by calling for plans and estimates of expense; but, the

excess which in almost every case arose above estimates so furnished, would leave the House still in a state of much uncertainty, as to what the eventual cost of the work would be. Every instance which had been quoted in the course of the debate, showed how very little the accuracy of plans and estimates was to be relied on. The Penitentiary and the Caledonian Canal, were cases in which plans and estimates had been presented, and yet the House had gone further than it originally intended. The better mode, as it seemed to him, of confining the expense within a given limit, would be, to vote the particular sum, and leave the responsibility of not exceeding it, with the government. Whether the burthen were greater or less, in any given way, upon government, the burthen was less upon the House in the way now proposed. He should certainly support the plan of voting at once a definite sum.

Mr. *Tierney* said, that the right hon. secretary had only done justice to the gentlemen with whom he sat, in stating, that they were actuated by a common wish to do every thing that was necessary for the dignity and convenience of the Crown. But, the security which the right hon. gentleman offered upon the present occasion was such as he (Mr. T.) feared the House could not accept; because a grant of 150,000*l.*, according to the present proposal, would appear upon the votes, and nothing at all to justify it. The right hon. gentleman said, that government took all the responsibility upon itself of confining the ultimate expense of the buildings in question within 300,000*l.*; but how, in fact, could that be, when the chancellor of the Exchequer stated distinctly, that so far there was no calculation in existence upon the subject? Surely nothing could be more easy than to make the estimates required. There were the repairs to be paid for; the purchase of land and houses; and the interior alterations. Now, the external alterations were matter of measurement; any architect would give the ultimate amount without difficulty. With respect to the land and houses purchased, no difficulty had been found in preparing similar estimates, in the matter of the new Post-office. But here there was no estimate, no explanation given at all. The right hon. gentleman said, "give us 300,000*l.*, and we will ask for no more;" but what a situation did this leave the country in, and even

the king! The 300,000*l.* might turn out to be just enough to spoil every thing that was already existing; and, in such a case, what could ministers do but come down to parliament, and say they had been mistaken; and what could any parliament do under such circumstances, but grant more money to complete the work? He was very sorry to say any thing which had the appearance of opposition to the vote before the House. He wished much to see Windsor Castle put into a sufficient state of fitness and repair, and thought there could be no difficulty in naming an early day for the chancellor of the Exchequer to bring down his estimate; but, he would rather vote 500,000*l.* seeing his way, than give 300,000*l.* in the circumstances under which the present grant was brought forward.

Mr. *Brogden* observed, that according to the forms of the House, the amendment could not postpone the grant to any specific day. All that could be done was to move its postponement generally.

Lord *Milton* only asked to have the House placed where the chancellor of the Exchequer meant to place himself—that it might not be called upon to take any step accompanied with expense, until it was ascertained that the 300,000*l.* would accomplish it.

Mr. *Grey Bennet* said, that part of the work at Windsor Castle had already begun, and adverted to the change which had taken place at Windsor since the death of the late king. The park could not be shut up, for there was a public way went through it; but even the freedom of the park was not given as it ought to be, and the terrace was entirely shut up. He thought this was bad taste, and bad judgment in every way. Nothing had tended more to the popularity of the late king than the freedom with which he used to walk upon the terrace, in the view of his subjects. He perfectly remembered the effect which the sight had produced upon him when a boy; and it had been one of the most pleasing, as well as of the most impressive description. He did not mean to say any thing offensive; but he thought that a hint should be given by ministers in the proper quarter upon this subject.

Mr. *Hume*, as he could not fix a specific day, was content to move the postponement of the grant in question generally. He hoped that in his division he should have the support of the hon. member for Corfe Castle, and of the member

for Wareham; and he begged to remind those hon. gentlemen, that it was almost an order of the House, and certainly a maxim which they had always been in the habit of inculcating, that the House should never embark in any expense without having plans and estimates before it.

Mr. *Canning* said, that the terrace at Windsor was open to the public on Sundays, and they had the benefit of the band of music, the same as in time past. It was true, it had not been open to the public on the other days of the week; nor could it, with convenience to the party for whose use and benefit it had been laid out. There was not a foot of ground about the domain to serve for a promenade except the terrace; and certainly it could not be talked of as an innovation, seeing that, for ten years, it had been shut up altogether, and that from circumstances which no human prudence could control.

Mr. *Abercromby* complained of the want of a plan and of estimates, to satisfy that proper jealousy which the House ought to entertain with respect to any grant of the public money.

The committee divided: For the resolution 123; for the amendment 54.

List of the Minority.

Abercromby, hon. J.	Macdonald, J.
Allen, J. H.	Martin, J.
Bennet, hon. H. G.	Milton, visc.
Benyon,*B.	Monck, J. B.
Bernal, R.	Normanby, visc.
Birch, J.	Nugent, lord.
Blake, sir F.	Ord, W.
Bright, H.	Oxmantown, lord.
Butterworth, J.	Palmer, C. F.
Calvert, C.	Phillips, G. H. jun.
Colborne, N.	Rickford, W.
Crompton, S.	Robarts, A. W.
Curwen, J. C.	Robarts, G. J.
Ebrington, visc.	Robinson, sir G.
Ellice, E.	Russell, lord J.
Gordon, R.	Smith, J.
Hamilton, lord A.	Smith, W.
Hobhouse, J. C.	Tierney, right hon. G.
Honywood, W. P.	Tremayne, J. H.
Hurst, R.	Wells, J.
Hutchinson, hon. C. H.	Western, C. C.
James, W.	Whitbread, S. C.
Jervoise, G. P.	Wilkins, W.
Johnstone, W. A.	Williams, O.
Kennedy, T. F.	Wodehouse, E.
Lambton, J. G.	Wrottesley, sir J.
Leader, W.	TELLER.
Leycester, H.	Hume, J.

moved the order of the day for going into a committee on the Building of Churches acts.

Mr. *Hume* wished to know, what was the nature of the resolution which the right hon. gentleman intended to propose.

The *Chancellor of the Exchequer* said, that the resolution was for granting 500,000*l.* to be paid into the hands of the commissioners appointed under the acts for building new churches, to be laid out by them, in further execution of the powers of the said acts.

Mr. *Hume* complained, that no notice had been given of this vote which could have informed gentlemen of the nature of the proposition which it was the intention of the chancellor of the Exchequer to make. The invariable custom was, that an estimate should precede a grant; whereas, in this instance, there was no mention made of any sum of money, even in the notice of motion entered on the paper.

Mr. *W. Courtenay* said, that the chancellor of the Exchequer had given notice of a resolution in the committee, and admitted that he had not given notice of any specific sum, but after his statement at the commencement of the session, and the notice of the present resolution, which was made a few nights ago, he put it to the House, whether the object of his resolution of to-night could be mistaken.

Mr. *Hume* was so far from anticipating the nature of the resolution, that he really had been led by the secretary for foreign affairs to suppose, that the plan of building new churches was laid aside for the present, because the money was to be applied to the establishment of the new West-India churches.

Mr. *Hobhouse* said, he was not aware of the nature of the proposition, and had been so far deceived by the explanation of the foreign secretary, that he had actually congratulated himself on being for the present rid of the discussion. He concurred with his hon. friend near him in considering this a most profligate mode of laying out the public money. He would be the last man to deny the people of England the means of worshipping according to the faith and discipline of the establishment. Wherever those means were now defective they ought to be fully provided; but not by extraordinary grants of the public money. It was his intention, if the chancellor of the Exchequer should persist in applying this "God-send" of

BUILDING OF NEW CHURCHES.] The Chancellor of the Exchequer having

money, to propose another plan, far more eligible in his opinion. He would propose to lay out the 500,000*l.* in buying up as many rotten boroughs as the money would purchase. He was not the inventor of the plan. The credit was due to Mr. Pitt: but it was a very good plan; and, unless he deceived himself, he could produce much better reasons in support of it, than the right hon. gentleman would be able to urge in favour of his new churches. If these churches were not to be built this year why should the House be called upon to vote the money.

Mr. J. Smith did not like this mode of applying the public money in the present situation of the country. There were no petitions on the table in favour of building these churches. The public would subscribe towards building their own churches readily, if they could have any reasonable share of the control and appointment of the ministers. There were in many parts of the kingdom, the most scandalous struggles upon this subject. He did not profess to be accurately acquainted with the ecclesiastical law of presentations; but, if ministers could find a remedy for this part of the case, they need not come to parliament for grants of public money to build churches. The people would cheerfully tax themselves for that purpose. But how could the parliament apply money in this way, when they saw all around them thousands of unhappy wretches left to all the disorders and miseries attendant on an untaught condition. The first duty of every government was to provide instruction for its poor—a duty the execution of which would be more pleasing to the Almighty than the building of churches. To what better use could this money be applied than in furnishing the means of education to the poor of Ireland, a country torn with disorders for want of moral improvement and sound instruction? At any rate he would try this proposition against that of the right hon. gentleman in the committee.

Sir J. Newport begged the House to notice a singular anomaly between the cases of Ireland and England. While the population of Ireland, composed five-sixths of Catholics, were taxed for the building as well as the repairing of churches for the one-sixth who were Protestant, the people of England, who were Protestants, were only called on to pay for the repairing of the churches, and the public at large were taxed for the building of them.

Mr. James said, that a petition would shortly be presented to the House against this appropriation of the public money. No doubt there would be many more of a similar nature, particularly from the Dissenters, who entertained strong objections to a measure, in none of the benefits of which they were to participate. He therefore hoped the chancellor of the Exchequer would consent to postpone it for a short time.

Mr. Bennet complained, that the estimates had only been in the hands of members eight hours, and that it was not reasonable to call on the House to come to a decision on a subject, respecting which they had so little information.

The Chancellor of the Exchequer regretted that the papers had not been delivered at an earlier period. He was, however, far from wishing to entrap the House into giving an opinion which they had not had due time to consider. Although, therefore, he had been desirous to explain to the committee the views he entertained on this subject, he would consent to its postponement until Friday.

HOUSE OF LORDS.

Tuesday, April 6.

BURIALS IN IRELAND BILL.] Lord Holland, before the order of the day was read, for this bill being sent to a committee, rose to present a petition on the subject which had been put into his hands. At present he wished to give no opinion on the bill, or to say any thing of the contents of the petition; for he knew nothing about the provisions of the bill which had been brought up from the other House; he knew nothing of the law of the case or of the facts on which the petition was founded. He understood the measure to be conciliatory, but to him it seemed strange, that a bill intended to sooth angry feelings should be hurried through the House before there was an opportunity for those most concerned to state their objections to it. The petition complained, that while the bill in its preamble recognized the right of toleration most fully, there was a clause in it encroaching upon that right, inasmuch as it gave to the clergyman of the Protestant church the power of refusing sepulchre to a Catholic. This was sowing the spirit of disunion and discontent, and particularly affected the city of Dublin by sanctioning those proceedings on the part of the

present archbishop which had been censured by every liberal mind.

The Earl of *Liverpool* merely wished to state the course pursued with regard to the bill. Their lordships must be aware, by the votes of the other House, that this matter had early, in the present session, been brought before its notice. There were evils which this bill was introduced to remedy, and it was introduced after the subject had been well considered by the law officers for Ireland. The bill was brought up to their lordships on Friday, and had been printed; and he was not aware of any unusual haste in passing it through the House. None of the standing orders had been dispensed with, nor had any hasty proceedings taken place.

The Earl of *Darnley* believed that this measure was intended solely to produce beneficial effects to Ireland; but there was one point which he thought worthy of their lordships consideration. No person need be informed of the violence of party spirit in Ireland; and he thought if a constant appeal must be made by the Catholics to the Protestant clergy for permission to bury, this could only be productive of vexation and animosity. He would suggest whether it might not be possible to enact that the Catholics should be entitled to bury their dead in the church-yards, on giving notice of their intention. He would allow the Protestant clergyman a veto stating his reasons but he wished the right of burial, without asking his leave, to be granted to the Catholics. He merely threw this out as a suggestion which, perhaps, the noble earl opposer might be disposed to adopt.

The Earl of *Carnarvon* did not think it was a good reason why their lordships should not discuss a measure, that it had been maturely considered in the other House. There were some measures which could be better examined by their lordships, than by the other House of Parliament. He did not wish to say much on the bill, not being particularly acquainted with that part of the country to which it applied. But it would appear as an objection to the measure, that in many parishes there was no church, and in still more, no resident minister. There was no place to affix a notice, unless it was posted on the ruins of a church. In some cases, the minister who would have to give this permission resided in England. As to the church-yards belonging to monasteries, he thought it might be possible

to give the people the right of sepulture in them; and if any litigation arose, some regulation might be adopted for obtaining the consent of the proprietors.

The Earl of *Liverpool* said, that to the latter suggestion of the noble earl he had no objection, and should introduce a verbal amendment into the clause referred to. As to the suggestion relative to the absent ministers, and the want of Churches, there were numerous difficulties in the way which no legislative enactments could meet, without a mutual disposition on the part of the people; and if that disposition existed, the regulations of this bill would be as effectual as any which could be proposed. As to the suggestion of the other noble earl, it did not appear to him that it could be acted on. No doubt, as the law at present stood, the church-yard was a place over which the Rector or Vicar of the parish had full and complete authority. It was his. But this applied to Protestants as well as Catholics; and protestant dissenters who wished to have a funeral service read over their dead were obliged to ask the permission of the rector. As the law stood, the rector was bound to perform the funeral service in his own church-yard; but this was altered by the present bill. The Catholics, as he understood, in general, performed the whole of the funeral service in their houses, and then removed the body to the church-yard. By the present bill, the Catholic clergy were permitted to proceed to the church-yard, and there perform the service, if they pleased. And here he must be permitted to say one word of the most reverend archbishop, alluded to in the petition. Certain reflections were there thrown on that respectable primate which he by no means deserved. At the very time when he was accused of interfering with the burial of the Catholics, he was at Leamington, for the benefit of his health, and had called on him (lord L.) and had shewn him the letters he had received on the subject. It was his wish, that no more distinctions should be preserved among the different classes of persons in Ireland than could possibly be avoided, and therefore he did not wish, by a legislative enactment, to give them different burial places. Either their lordships must legislate for every circumstance connected with funerals, or they must leave a discretion somewhere; and, after the fullest consideration, it had been thought most advisable to leave this discretion in

the hands of the clergyman. His lordship then read a portion of the preamble of the bill, stating, that its object was, to declare, that all classes of his majesty's subjects had the same right of sepulture. It was not possible, he continued, to use words more expressive, and the power given to the clergyman to refuse this right was to be taken in conjunction with this preamble. In refusing it, also, he was bound to inform his diocesan; which clearly shewed, that he was only to refuse it on special grounds, which grounds he was to state. He could not say what a wrong-headed man might do, but he thought the present security as good a one as could be devised. There was a difficulty in framing the measure so as to meet all the circumstances of the case; but he thought those most adverse to it would, when it was adopted, be most desirous of its continuance.

The Earl of *Limerick* said, that the Catholics of Ireland had a strong desire to have burial places in the suppressed convents; and, if the existing law was altered, he had no doubt that arrangements would be made for that purpose with the proprietors.

Lord *Holland*, after the explanation of the noble earl, expressed his hearty concurrence with the objects of the bill, which, he was convinced, were entirely conciliatory; but he still thought it was hurried rather too fast through the House.

Lord *King* understood, he said, from the noble earl, that the clergyman was bound to accede to the request of the Catholics. He would suggest, therefore, whether it would not be proper to add a clause compelling him to grant it? By this act it was made lawful for the Catholics to be buried in the church-yards; but many things which in Ireland were lawful were not done. Much rancour and ill-will had already sprung from the right claimed by a foolish Protestant clergyman over a church-yard. He would remind the House of what was said by a learned divine, that if the Protestants wished to preserve the churches, they should leave the church-yards to the Catholics.

The Earl of *Harrowby* stated, the objects of the bill were not only to relieve Catholics, but to give the whole body of dissenters the right of sepulture, by their own clergymen. As the clause stood relative to the clergyman's refusing the right, as he was bound to state his reasons

for doing so, this must be considered as nearly synonymous with his being compelled to grant it.

The bill was then committed.

HOUSE OF COMMONS.

Tuesday, April 6.

SALT-TAX.] Mr. *Wodehouse* moved for "a return of the total number of Excise Prosecutions that have been entered during the last six years, for offences against the Salt-laws; showing the amount of penalties received, and the particular number in each year." He wished at the same time to ask his right hon. friend the chancellor of the Exchequer whether, in the event of the tax being continued, it would not be practicable to remove some of the restrictions complained of in the mode of collecting the tax.

The *Chancellor of the Exchequer* replied that he could not anticipate what would be the decision of the House upon the hon. gentleman's motion, of which he had given notice, for a continuance of this particular tax; but he had no difficulty in saying, that if it should be the wish of parliament to continue the present duty he hoped that some means might be devised for relaxing the restrictions which arose out of the previous high duty, and which were considered necessary for the preservation of the revenue. At all events, he should feel extremely anxious to try every possible means of relaxing the severity of the existing regulations; further than that he could not pledge himself.

Mr. *Calcraft* rose to express a considerable degree of surprise at the notice which the hon. member for Norfolk had given yesterday. He did not at the time feel it decorous to animadvert upon that notice; but he rejoiced exceedingly at the present opportunity of delivering his opinion upon the subject. He was astonished at the attempt now to call upon them to break through a solemn compact, by which it was stipulated, that the present duty should expire on the 5th of January next. The way in which this notice was conducted, looked as if the hon. member had some bargain to make for the public, which he deemed more useful than that to which the House stood committed, for the abolition of this tax. He was perfectly astonished at the cool and calm manner in which the Chancellor of the Exchequer seemed to meet the hon. member's views. What were the people to depend upon, if

this pledge were forfeited? What faith could the people be expected to have for any future act, solemnly promised to be done by the parliament, if this pledge were so easily renounced, and this odious tax continued? And, for what were they to violate their pledge? For patronage; for it was idle to talk of getting rid of the machinery of the restrictions. They could not be got rid of, as long as the revenue continued to be raised upon the article. He was glad of this opportunity of early proclaiming to the House and the country the nature of the attempt which was about to be made. He was really astonished, that the chancellor of the Exchequer, who had hitherto conducted himself so candidly, and, he might add, so considerately, towards the country, should now appear in the slightest degree to lend himself to a breach of compact to which he was himself a party. The tax ought to be got rid of altogether. It was very easy to say that it was only two shillings at present; but the country might rely upon it, that if a particle of the tax were suffered to remain, a speedy opportunity would be taken, when the government wanted money, of adding to the present tax. Instead of 2s. it might again become fifteen.

Mr. Wodehouse complained, that the hon. member had thrown out a hint, that, in proposing the continuance of this tax, he was acting in accordance with the views of his majesty's ministers. He denied the insinuation, and had distinctly intimated, when he gave his notice, that he was acting with hon. members at both sides of the House in his view of this subject. He respected as much as any man the faith of parliament, but he disliked the use of the word as a mere bugbear. The faith of parliament could only be formed upon a deliberate view of the whole question.

Mr. Bright conceived, that the oppressions under which the subject laboured from this tax two years ago, ought to have been entirely removed by this time. He wished to know what alterations the chancellor of the Exchequer had made in the excise regulations regarding salt since the duty of 10s. had been remitted. Instead of telling them of the improvements which he hoped would take place, the right hon. gentleman ought to inform them of the improvements which had already taken place. He considered that great benefit would be done to the fisheries by

removing the remaining duties on salt; and he therefore trusted that measures would be taken to compel government to abandon them.

Sir J. Wrottesley trusted, that government would remit the remaining salt duties. He never knew any measure which had given greater satisfaction to the country, than the remission of that part of them which had been already abandoned.

Mr. W. Smith said, that though the existing duty of 2s. on salt had only been expected to produce 200,000*l.* it had produced 360,000*l.* during the last year. He did not think that any other tax could be devised, which would raise an equal sum with the same facility. He, nevertheless, would not vote for its continuance, if it were necessary to keep up the machinery for collecting it at the present expense.

Mr. H. Gurney spoke in favour of remitting the remaining salt duties.

Lord Milton felt considerable apprehension respecting the continuance of this tax, because he was convinced that no other tax could be equally injurious to the country. He referred to the great increase which had taken place in the consumption of salt, as a proof of the benefit the country had derived from the remission of the 10s. duty.

Sir M. W. Ridley was of opinion, that the House, after reducing the duty of 10s., had nothing else to do than to reduce the remaining duty of 2s. It would thus strike salt out of the list of articles which were subjected to taxation. The tax on salt, in his opinion, placed fetters upon all liberal principles of trade.

The motion was agreed to.

DEFENCE BY COUNSEL IN CASES OF FELONY.] Mr George Lamb presented a petition from certain Jurymen, setting forth,

"That the petitioners, fully sensible of the invaluable privilege of Jury Trials, and desirous of seeing them as complete as human institutions will admit, feel it their duty to draw the attention of the House to the restrictions imposed on the prisoner's counsel, which they humbly conceive have strong claims to a legislative remedy; with every disposition to decide justly, the petitioners have found by experience, in the course of their attendances as Jurymen at the Old Bailey, that the opening statement for the prosecution too frequently leaves an impres-

sion more unfavourable to the prisoner at the bar than the evidence of itself could have produced; and it has always sounded harsh to the petitioners to hear it announced from the bench, that the counsel, to whom the prisoner has committed his defence, cannot be permitted to address the jury in his behalf, nor reply to the charges which have, or have not, been substantiated by the witnesses; the petitioners have felt their situation peculiarly painful and embarrassing when the prisoner's faculties, perhaps surprised by such an intimation, are too much absorbed in the difficulties of his unhappy circumstances to admit of an effort towards his own justification against the statements of the prosecutor's counsel, often unintentionally aggravated through zeal or misconception; and it is purely with a view to the attainment of impartial justice, that the petitioners humbly submit to the serious consideration of the House, the expediency of allowing every accused person the full benefit of counsel, as in cases of Misdemeanor, and according to the practice of the Civil Courts."

After the petition had been read, and ordered to be printed,

Mr George Lamb rose to call the attention of the House to the motion of which he had given notice. The bill which he now meant to move for leave to introduce, although not a novelty in that House, yet did not entirely resemble that which had been introduced at different times by the hon. member for Galway. However, it was not on account of any difference of opinion with his hon. friend, that he now stood in his shoes. On the contrary, it was entirely with his concurrence; indeed at his particular request, that he now came forward with the present measure. His hon. friend had so dexterous a method of getting bills through the House, that he had, perhaps, done wrong in taking this bill out of his hands; but, as he had undertaken the office of piloting it through the House, he would shortly explain the points in which it differed from the bill formerly introduced by his hon. friend. The principal points of difference were these. His hon. friend confined the allowance of counsel to such prisoners as were indicted for capital crimes: he extended it to all prisoners whatsoever. His hon. friend had in his printed bill inserted a clause, authorising the judge to assign counsel to the prisoner as in cases of treason. He (Mr. L.) made no assignment of counsel

by the judge necessary, but gave the prisoner the same liberty to select counsel to speak for him; as he now possessed in cases of misdemeanor and of civil action. He was well aware, that, in proposing these alterations in our criminal system, he was running counter to all the prejudices of the profession to which he had formerly the honour to belong; but he proposed them for the consideration of the House, because he thought that the ends of criminal justice could not well be attained without them. He knew, that though the profession of the law were in general hostile to the change which he wished to make, there were many strong opinions in favour of it, given by those who had long belonged to it. Every unlearned person who attended our criminal courts was struck by the unfairness of our present practice. The first comment which they made upon it was—"Why do you not give the prisoner the same liberty to address the jury by counsel that you give to his prosecutor?" And, in all the discussions which he had heard between learned and unlearned persons on this point, it some how or other happened, that the unlearned person always obtained the better of the argument.

Having now stated what made against his proposition, he would proceed to state what made for it. In the first place, he had the opinion of Mr. Justice Blackstone in his favour, and, in the next, he had the ancient practice of the constitution itself. He should dwell shortly on this branch of the subject; for though it was dry, it was too important to be passed over entirely in silence. Mr. Justice Blackstone, in commenting upon the rule, that no counsel shall be allowed a prisoner upon his trial upon the general issue in any capital crime, observes "that it is not at all of a piece with the rest of the humane treatment of prisoners by the English law. For upon what face of reason can that assistance be denied to save the life of a man, which yet is allowed him in prosecutions for every petty trespass? Nor, indeed, is it, strictly speaking, a part of our ancient law, for the *Mirror*, having observed the necessity of counsel in civil suits, 'who knew how to forward and defend the cause by the rules of law and customs of the realm,' immediately subjoins, 'and more necessary are they for defence upon indictments and appeals of felony, than upon other venial causes.'" He then contended that, till the reign of Edward 1st.,

counsel were allowed to speak in behalf of the prisoner on all cases of private wrong. —The hon. gentleman then proceeded to observe, that, until a late period, the right of employing counsel, and other privileges, in cases of high treason, belonged only to the Crown: but, since the passing of the treason acts, the Crown gave up that particular right, which it had previously retained for its protection, and the accused was allowed to have the benefit of counsel. Still, however, in cases of felony, the private prosecutor only had the right to call in counsel to his aid: that advantage was denied to the party prosecuted. This was a strange anomaly, when the Crown had given up a similar right. What he called upon the House to do at present was, to fill up a gap between the proceedings in cases of high treason and of felony, and to allow generally the employment of counsel. Looking to those sages of the law who advocated the existing system, he found them, in his opinion, more in favour of its abolition, in consequence of the absurd reasons which they adduced in its behalf, than those who actually opposed the practice. The reason given by lord Coke in support of the withholding the aid of counsel in cases of high treason, and which was afterwards defended by other lawyers, was clearly laid down by the earl of Nottingham in the case of lord Cornwallis. The argument was, “that the fouler the crime is, the clearer and plainer the proof ought to be. No other good reason can be given for the law’s refusing counsel where life is concerned, than that the evidence on which the individual is sought to be condemned must be so perfectly decisive that all the counsel in the world cannot gainsay it.” This undoubtedly was the best reason that could be assigned for the practice. Still, however, he would say, let counsel be employed on each side: let them advance all that they could for and against the accused: let the testimony be sifted and examined thoroughly; and, after all this, if the evidence be strong and clear—if it were of the description alluded to by lord Nottingham, the result would just be the same as if no counsel had been employed, and the public satisfaction would be much greater. The doctrine laid down on the trial of Cooke, the regicide, was similar to that which he had just adverted to. The Judge there observed—“That which I have to say is this, that the evidence is so clear that every one who hears it under-

stands it. It is called evidence, because it is evident. It is one reason why counsel shall not be employed in matters of fact, that the matter is so plain that every one, both jury and commissioners, who hear it, must be convinced that the prisoner is justly convicted.” However specious and feasible such a doctrine might be, it was undoubtedly fraught with hardship.

But, it was said, that the judge was always counsel for the defendant. He thought it was most unfortunate, that lord Coke, or any other sage of the law, should have pronounced such a doctrine. The Court could not be counsel for the prisoner; it was the duty of the Court to act equally and impartially for all parties brought before it. On this point he would refer to a speech made by Mr. Whitlocke, during the time of the Commonwealth, in the course of a debate which took place on a motion to exclude lawyers from sitting in that House in all time to come. The name of the person who brought forward that most horrible motion, if he might be allowed so to term it was not given; but it appeared that many observations had been made in reprobation of the practice of not allowing counsel to speak for prisoners, and Mr. Whitlocke thus expressed himself; “the worthy gentleman was pleased to say one thing with some weight, that lawyers were permitted to counsel and plead for men, in matters touching their estates and liberties; but, in the greatest matters of all others concerning a man’s life and posterity, lawyers were not permitted to plead for their clients. I confess I cannot answer this objection, that, for a trespass of a sixpence value, a man may have a counsellor to plead for him, but where his life and posterity are concerned, he is not admitted this privilege and help of lawyers. A law to reform this, I think, would be just, and give right to the people. What is said in defence or excuse of this custom is, that the judges are of counsel for the prisoners, and are to see that they have no wrong. And, are they not to take the same care of all causes that shall be tried before them?” What was there, if the principle of allowing counsel in other cases was allowed, which made felony a special exception? He should wish to see the maxim excluded from all our law books, which considered

the judge as counsel for prisoners. The adoption of such a principle, our criminal records had proved to be productive of great mischief. It led also to a diversity of practice, according to the individual leanings or views of judges. Our criminal records contained illustrations of these effects. There was reported in the books, a case of a woman charged with child-murder. The counsel for the prosecution had forgotten, until after the case was closed, to put the question as to the sex of the child; the judge, acting upon the maxim, that he was counsel for the prisoner, would not allow the question to be subsequently put, and as the sex of the child was stated in the indictment, the prisoner was acquitted, though there was no doubt of her guilt. There was another case on record, where the judge, disregarding the maxim, had put a question for the further elucidation of evidence, when the prisoner immediately told the judge, "That if he had been, as the law contemplated, his counsel, he would not have put such a question." In both instances the situation of the judge was a most painful one. In Dyer's reports it was laid down, "that the Court are to be counsel for the prisoner, so far as to see that all things, on all sides, are conducted with impartiality." It was the duty of the judge to take care that nothing but public justice was administered; and, in his opinion, the judge who showed all the anxiety and astuteness which became a hired counsel, was not performing his duty properly. If, however, the judge actually wished to become the prisoner's counsel, he had not the means. What information had the judge to guide him, except the depositions of the prosecutor? Many circumstances, known only to the prisoner, might be most material to his defence, if counsel were employed for him, of which the judge must be entirely ignorant. The judge would receive no information out of court, and he must be entirely unacquainted with various points which, in cross-examination, might be of great importance to the accused party. How, then, could the judge be counsel for the prisoner? He would admit, for the sake of argument, that an impartial judge might be of more benefit to the prisoner than a retained counsel; but they ought not to forget, that the impartiality of the judge might also militate against the prisoner. In the case of Udall, a puritan minister, which occurred in the reign of

Elizabeth, the prisoner asked "How many of the jury am I, by law, permitted to challenge?" The answer of the judge was "ay, I am not to tell you that; I sit to judge, and not to give you counsel."* In *John Perrot's* case, which happened in the same reign, a similar answer was given. Therefore, if he admitted for a moment, that there were times when the judge was preferable to a counsel, he must also observe that there had been times—very different indeed from the present, but which might return—when prisoners were obliged to depend on the tender mercies of such men as chief justice Jeffries, judge Page, or Mr. justice Alybone. He had hitherto only applied himself to answer such statements as he found in books in defence of this practice.

He would now come to the immediate question itself. His learned friends no doubt would observe, "All you have stated is very well; but what practical evil has resulted from the present system?" Here he begged to say, that there was one point which appeared to him to be of no little importance. He did not consider it enough that a system of criminal law should be really just and impartial; it ought to be fully impressed on the minds of the people that it was so. [Hear]. In coming to this part of the question, he felt himself a little embarrassed, because if he referred to recent cases, it might be supposed that he intended to throw some slur on the administration of criminal justice; which, however, he would say, notwithstanding this defect was, as it ought to be, the admiration of the world. The cases, however, which he would select, were those in which the prisoner laboured under difficulties, and was exposed to injustice, of the most palpable nature. What was the object of allowing persons to defend themselves? Was it not, that, as far as possible, their interests should be protected? But was that the case, when men of inferior mind and talent were opposed to skilful and able advocates? At the time of the passing of the treason bills, the attorney-general admitted that they were prepared to give the accused an opportunity, so far as was possible, of being defended by men equal in ability to those by whom they were prosecuted. This could not formerly be done, under the common circumstances, of every-day occurrence, of mere age infirmity, idiocy, insanity or ignor-

ance of the prisoner on trial. Provision was now made on that point in cases of high treason; but, with regard to felony, the defect still remained. What did lord Lovatt say on this very point? "If you do not allow me counsel, my lords, it is impossible for me to make any defence, by reason of my infirmity. I do not see, I do not hear. I came up to the bar at the hazard of my life. I have fainted several times, I have been up so early, ever since four o'clock this morning. I therefore ask for assistance, and if you do not allow me counsel, or such aid as is necessary, it will be impossible for me to make any defence at all." He alluded particularly to this case because, though lord Lovatt's guilt was evident, yet the managers of the impeachment felt so strongly the injustice which was done, that, by the hands of sir W. Young, the chief manager, a bill was brought into parliament to allow counsel to plead for persons impeached by that House; which was not previously the case. After that, he found it said by writers of some note, that the proceedings against the old, the double traitor, lord Lovatt, clearly as his guilt was manifested, were rather harsh. In cases where offence was committed under circumstances of insanity, was it fitting to call on the individual to state how it originated, and how it acted on him, with respect to the immediate matter of charge? But it was scarcely so bad to refuse the aid of counsel where there was actual insanity, as where that species of infirmity existed which, though it impaired his faculties, did not prevent the accused from pleading. This situation was well described by Mr. Peere Williams, after the trial of lord Winton, when he observed, "I have nothing else to say of this unhappy lord, who is not insane enough to be exempt from the operation of the law, nor sane enough to do himself service in any respect whatever." The ill effects of compelling individuals to construct and deliver their own defence were observable, on many occasions. The efforts of a man, under an accusation which drew the public attention towards him, if at all ingenious, had a fearful effect on the weak and uninformed. However guilty the individual might be, his boldness became the theme of gratulation amongst those who mistook a hardened carriage for true bravery. One case of this kind, and a case of much celebrity, had recently occurred. He alluded to the conduct of the ruffian, Thurtell, who had disgra-

ced the county of Hertford by the murder of his friend, and who had caused so many people to disgrace themselves by the stupid admiration they had bestowed on his defence [Hear, hear]. He would ask whether that culprit, pending his trial, was not very much buoyed up, not with the hope of an acquittal, but with the idea that the silly tirade which he had written would be heard with interest and would live when he had paid the penalty of his crime. He hoped to die with some degree of éclat; and he set off against the crime of murder, the reflection that his exit would be talked of throughout the country. This was, therefore, to institute a criterion for the appreciation of criminal conduct, different from that which ought to exist. It was to cause the measure of guilt to be estimated, not according to the quantum of proof, but according to the ability of the prisoner. There was one question which he did not think would be urged substantially and by itself on this occasion; and yet he believed, from conversations which he had on this subject, that it weighed considerably with some persons in their view of the law. He alluded to the effect which an alteration in the law would have as to the occupation of the time of the judges. He believed the line of Pope, that "Hungry judges soon their sentence sign," never was justified by any occurrence. But if he were told that a saving of time of the judges was the only reason why this practice should be continued, those who held such a doctrine might be accused of favouring such an opinion. It was said, that the observations of a counsel, in defence of a prisoner capitally charged, would go for nothing. That might be: but he could safely say, that while he practised at the bar, he had known many cases, in which, if the aid of counsel had been allowed, the verdict would have been much more satisfactory to the public. He had laid on their table a petition, in which several persons who were frequently engaged as jurors in criminal cases, stated, that they would feel much more confident in giving their verdicts if prisoners were allowed the full benefit of counsel, instead of restricting the employment of learning, ingenuity, and talent, to the prosecuting parties. Could any counsel however candid, when stating a case avoid stretching the matter a little too far, or refrain entirely from drawing any unfair inference? Let it be recollected that, in cases of circumstantial

evidence, there always remained a bare possibility that the individual might be innocent. That circumstance had always a great effect on the public mind, and he would, by the employment of counsel for the accused—by giving him the greatest latitude of defence—reduce that possibility to the smallest point. As the custom now was, justice he repeated could not be done satisfactorily. The public in general, and those who witnessed criminal trials, would not be satisfied, unless the accused party had the privilege of defending himself by his counsel. Much might be said about the danger of stirring and exciting the passions by the force of eloquence; but, he asked, was not the danger the same in cases of misdemeanor? Many charges of misdemeanor consigned a man to infamy, and cast a blot on his posterity. In cases of that kind did not the witnesses, the counsel, and the judges, feel as much as they possibly could do if the charge were one affecting life and death? But it appeared that, in such cases, the judges, counsel, and witnesses, restrained their feelings and passions. If it were so, why should they not act with equal discretion when the charge was capital? He could not see any evil that was likely to result from allowing counsel to plead for persons charged with felony. On the contrary, he conceived it would be an improvement in the administration of justice which would be most satisfactory to the public; and therefore he should conclude with moving, "That leave be given to bring in a bill to allow persons prosecuted for felony to defend by counsel, as in cases of misdemeanor."

Mr. North said, that he always felt the administration of criminal justice in this country to be one of its noblest and proudest boasts; and if there was any particular department in that code which pre-eminently attracted admiration, it was the department to which the hon. and learned gentleman who introduced the subject had referred. Had he to discuss that subject with any enlightened foreigner, he should have felt it necessary to advert to topics which were unnecessary in addressing himself to the hon. and learned gentleman and to that House. He should have dwelt upon that guarded caution to obtain an impartial and indifferent tribunal; he should have proved to him the anxious care which characterised the law, to exclude, by the severest scrutiny, the possible operation of any undue or pre-con-

ceived impressions. Above all, he would call upon him to observe that presiding spirit of humanity, as active as it was benevolent, which from the bench itself, when the life of the accused was risked, so frequently tended to rebuke the severity of the law. The question, in order to be properly discussed, ought to have been put on the right ground. It should be recollected, that first, by law, made sacred by usage, the counsel for the prisoner had now the power not alone of speaking on all legal questions that might arise, but of examining and cross-examining witnesses. It was also the duty—a duty never over-looked—of the judge to take care, that no evidence, not bearing on the case, but which from its tendency might prove prejudicial to the prisoner, should be received—that every part of the evidence was noted down, and that strict vigilance was observed to treasure up every thing that operated in favour of the accused. He should also remind the hon. and learned gentleman, that it was besides, the duty of the judge to sum up the whole evidence most impartially, and to tell the jury, that if one amongst them, even the most scrupulous, felt any doubt, the benefit of that doubt they were bound to give to the prisoner. But, said the hon. and learned mover, there was something more due to humanity. Counsel should be allowed to make a speech on evidence for the prisoner. He doubted whether the hon. and learned gentleman had fully and fairly considered the proposition. It was defended on the practice of such a privilege being allowed to the prosecutor. But, he felt justified in stating, that as the law now stood, no abuse was the result of such a practice. The counsel for the prosecution felt himself bound by an obligation stronger than law itself—the obligation of honour and mercy—a deference to the court, and a regard to the opinions of his brother barristers, to offer a plain, colourless statement of the case, without a single attempt to aggravate. He knew it was presumed, that the counsel for the prisoner would feel an equal restraint. It might be so, but he apprehended the result would be different. He did believe, that under such a permission, an ingenious counsel would feel it his duty to exert every faculty for his client—that he would make an animated appeal to the passions of the jury; and, where he could not persuade, he would endeavour to affect. To suppose that

counsel would feel restraint was possible. It might be a question of minor morals, or of larger morals. That, however, was a point of casuistry which he should not then discuss; but his impression was, that the contrary would be the case. Let the House for a moment anticipate what would be the case if the hon. and learned gentleman's proposition were converted into law. Was it to be supposed, if the counsel for the prosecution had made the simplest and least prejudiced address conceivable to the jury, that his learned brother, who would tread closely upon the heels of the other in his address, would abstain from urging every consideration, whether justly or not, that might tell for his unfortunate client? Was it to be supposed, that because the former had confined himself to a plain and uncoloured statement of facts, the latter would not decorate his speech with every ornament of fancy that was calculated to bewilder the jury and lead them away from the real merits of the case. It was impossible that such should not be the case. He might be told that it ought not to be the case; but he was predicating what would be, and not what ought to be. He was asserting that which the infirmity of human nature rendered inevitable. The proposition, therefore, of the hon. and learned gentleman was this—to change the sober floor of a court of justice into an arena for two ingenious combatants to display their strength and agility in; the stake for which they played being nothing less than the life of man.

But, a still further consequence would follow from the adoption of the hon. and learned gentleman's proposition. It was this—that if the legislature gave to the prisoner the benefit of counsel, they might run a great risk of diminishing the vigilance of the judge. There could be but one opinion as to the integrity and watchfulness with which all the learned judges at present presided over the administration of the criminal law in this country. But, if the judge, who according to the present mode of criminal trial, felt it his duty to attend to every thing that could make an impression favourable to the prisoner, found that that duty had devolved to others, was there not some risk, that whatever his sense of the responsibility that would still rest upon him, and however that sense might struggle with the indolence of human nature, there would exist numerous cases in which his vigi-

lance would relax, in which he would shrink from the burthen which at present he bore with alacrity; and in which therefore the person charged with a criminal offence, instead of having for his counsel (as according to the present practice) the judge on the bench, would have for his counsel merely a paid advocate?—But, it was contended by the hon. and learned mover, that, under such circumstances, the advocate would of course do justice to the prisoner. No doubt he would, to the full extent of his powers. But, might not those powers be much inferior in quality and extent to the powers of the judge on the bench? And, would what would fall from such an advocate go to the jury-box with the weight that must invariably accompany every observation proceeding from the judge on the bench? However sound the advocate's arguments, however undeniable his inferences, yet every thing that he uttered would be listened to by the jury with doubt and hesitation; because they would know that he was a paid advocate, speaking from his brief.

But that was not all. It was not merely that what came from a counsel for the prisoner would not have equal weight in the jury-box with what might come from the judge; the proposed alteration would be attended with other results. In nine cases out of ten, the judge would feel himself called upon, after an able and powerful advocate had been heard on behalf of the prisoner, to task his faculties to the uttermost, in order to remove the prejudices which the address of that advocate was calculated to make on the minds of the jury. In doing this, it was possible that the judge might insensibly become the advocate for the prosecution. If the false impression which the prisoner's counsel had endeavoured to create was a strong one, the judge would, to counteract it, naturally argue strenuously. Now, it was difficult to argue strenuously without being led to argue warmly. The judge would press his argument further, perhaps, than strict justice demanded; and thus the jury would leave the box with an impression made upon their minds by the judge, exactly the reverse of that which, in the present state of the administration of the criminal law, they would receive from him. The proposed alteration would, therefore, turn out to be completely opposite in its tendency to that which was hoped from it, as far as it regarded the prisoner's claims to humanity and due attention to his interests.

But, there were other and still more important considerations connected with the equal administration of justice, which must have great weight on every reasonable mind, in inducing a resistance to the proposed alteration. He had already adverted to that rule in the English law, which required that the jury should be unanimous in their verdict. There might be many objections to that rule. He was not then called upon to defend it. He had a right to assume, that its expediency was unquestioned. He had a right to argue upon the rule as a settled principle of law. The hon. and learned gentleman did not propose to make any change in that rule. Now, the judge was required to state to the jury, that if they had any reasonable ground of doubt as to the guilt of the prisoner, the latter was entitled to the benefit of that doubt in their verdict. It was probable, that there never was a jury, in the number of which might not be found some one individual of tender and scrupulous conscience; some one individual probably of feebler intellect than his associates. We had seen the plainest cases submitted to the consideration of juries, the circumstances of which, nevertheless, made an impression on the mind of some individual of the jury, such as he had described, which impression that individual was pleased to call doubt. Now, was it desirable in the practice of our criminal courts to add to that original evil—to add to the doubt frequently felt by some weaker-minded member of the jury, the additional doubt that would be generated by a skilful advocate, employing one, two, or three hours to enlarge the little speck on the disk of understanding of such a person, until it eclipsed the whole of his reason? Was that to be wished for? Would it be calculated to advance the interests of justice? He should be told, perhaps, that such a triumph would serve to show the professional skill of the man by whom it was achieved. True, it would be the victory of the advocate; but it would be a victory gained at the expense of every consideration of justice and national benefit.

But, there was an argument still behind, which appeared to him to be of infinitely greater importance than any which he had hitherto advanced in hostility to the hon. and learned gentleman's proposition. It was an argument, the force of which he thought it was impossible for the hon. and learned gentleman himself to deny. The

proposed change was not called for by the voice of the people. He would not then stop to inquire, whether the passage which the hon. and learned gentleman had quoted from Mr. Justice Blackstone, bore the exact meaning which the hon. and learned gentleman imputed to it. He rather thought that that passage had reference to what might be considered a strict rule of law, rather than to the practice in the administration of criminal justice. But, supposing that that passage ought really to be interpreted as the hon. and learned gentleman interpreted it, what was the natural inference? Mr. Justice Blackstone's book had, for many years, been in every body's hands. It did not merely lie on the shelves of lawyers, it was in the hands of all country gentlemen, and indeed of individuals of every class and description; and yet, notwithstanding the work containing the passage in question had been so long under the eyes of every member of the community, it was only now discovered, that the innovation proposed to be introduced by the hon. and learned gentleman ought to be made. The voice of the people had been altogether silent. This silence proved, that the measure was unnecessary, for it was wholly uncalled for. He begged the hon. and learned gentleman's pardon. He had brought to the House a test of the opinion of the people of England on this subject. He had presented to the House a petition upon it. A single petition! Were the people of England in the habit of expressing their opinions or wishes upon a great public question by a single petition? The people of England, at the present moment interested themselves deeply in the question of ameliorating the condition of slaves in the West Indies. Did they express that interest in a single petition? Why the table of that House would have been loaded—they would have been overwhelmed with petitions on this subject, if the opinion of the people of England had been in accordance with that of the hon. and learned gentleman. Their silence was the best testimony that could be adduced against the proposition. To that silence he confidently appealed in support of his opposition to the motion. It was true that two or three dilettanti lawyers, and two or three dilettanti philosophers might wish for such a change as that proposed; but the question was, whether the sense of the people at large was in its favour? Whenever a grievance was prov-

ed really to exist, he trusted that he should be as ready as any man to concur in taking that grievance into consideration; but he must first be assured, that it was considered a grievance; and the only way in which he could receive that assurance would be by a general complaint of it. He was not one of those who would go seeking for grievances, mining into the earth, and making a geological survey, for the purpose of bringing them to light, when at the very time he might walk securely and firmly on the surface, and breathe and enjoy the fresh air unmolestedly.

As to the cases which the hon. and learned gentleman had cited, they were all impeachmentments for high treason; in which this defect, as the hon. and learned gentleman termed it, had been remedied, and respecting which, therefore, the interference of the legislature was unnecessary. The hon. and learned gentleman had not quoted a single case of a capital felony, in which alone the complaint of the present state of the law could fairly be made. But, the hon. and learned gentleman said, that there were cases in which there might be so perfect a balance between innocence and guilt, and so much difficulty in ascertaining which scale preponderated, that it was actually essential to the due administration of justice, that the prisoner should have counsel; and he had instanced the case of Patch, in confirmation of that opinion. It was very true. It was perfectly true. There were cases in which the most acute understanding would find it extremely difficult, after the strictest survey of all the circumstances adduced in evidence, to determine on the question of guilt or innocence. In such cases the hon. and learned gentleman maintained, that the prisoner ought to receive the aid of counsel; and he asked how any one could answer his argument in support of that proposition? The way in which he (Mr. North) would answer it was, by telling the hon. and learned gentleman—what, however, that hon. and learned gentleman knew perfectly well—that in all such cases of extreme difficulty, the law gave the prisoner a shield, more extensive and powerful, than any counsel could throw over him. It told the jury, that they must not trifle with the life of a prisoner; that they must weigh all the circumstances adduced, both against him and in his favour; and that if they entertained any reasonable doubt with respect to his guilt, they were bound to acquit him. So that in the only cases in which, according

to the argument of the hon. and learned gentleman, the aid of a counsel would be useful to a prisoner, that aid was rendered useless by his receiving the much more efficient aid of the law. It was singular that the hon. and learned gentleman should have resorted in his argument to a recent case, which had unfortunately excited so much public attention, as a case which strongly manifested the benefit which a prisoner would derive from counsel. The circumstances of that case must be fresh in the recollection of the House. No man could deny, the hon. and learned gentleman admitted, the great talents of Thurtell on that occasion. Did he (Mr. N.) say too much when he said, that that prisoner would be very fortunate who should meet with a counsel possessing as much talent as was evinced by the prisoner in the case to which he alluded? As to information respecting the merits of the case, who could have shown more information than that individual? Was it possible that any difference could have resulted, if the speech made by the prisoner at the bar on that occasion had been made by a counsel? The hon. and learned gentleman, however, by an inversion of reasoning which he (Mr. N.) could not comprehend, maintained, that that was the very reason why the prisoner's case ought to have been in the hands of counsel.

He would now beg leave to say a few words on the general question of the expediency of making such alterations as that now proposed, where they were not called for by general opinion. The forms of the administration of justice, which they were all in the habit of loving and admiring, were certain positive institutions. If a question were put to him in his closet, or by a stranger, whether in his opinion there were no better forms of administering justice, he was not prepared to say that, however good the English forms, there might not be others equally good, or perhaps better. But, was he for that reason suddenly to abandon a system so long endeared to his affections, that admiration of it had become by habit what some would perhaps call a prejudice, or a passion? He might be told, for instance, that it would be better if a Jury were composed of ten persons, for that there was magic in decimal arithmetic; or that there was magic in an odd number, and therefore that a Jury should be composed of thirteen persons. But was he therefore

to consent to change the present number of an English Jury? By no means. For then a Jury would cease to be that to which Englishmen had long looked with veneration, and on which they were accustomed to rely for the protection of their lives and property. "Oh but," the hon. and learned gentleman would exclaim, "your argument is applicable only to a general change in the administration of the law. What I want to get rid of is an anomaly; and all that I call on the House to do is, to transfer to the criminal law the rule that at present prevails in the civil law." But he begged to observe, that the cases were exceedingly different. Was the hon. and learned gentleman prepared to go the whole length of his argument, and transfer all the usages of the civil or the criminal law? But he was sure the good sense of the hon. and learned gentleman would never admit that it was advisable to assimilate the criminal and the civil codes of jurisprudence. If he did what would be the consequence? The rights of property were frequently for twenty or thirty years the subject of litigation in the court of Chancery: they were then, perhaps, transferred to other jurisdictions; to a court of appeal, or perhaps to a trial by jury. Was it desirable that an inquiry into the guilt or innocence of a prisoner should last equally long and go through as many stages? He was sure the hon. and learned gentleman would not go this length; and he was therefore bound to acknowledge, that there was no fair analogy between the two cases. It was not the importance of the stake, but the nature of the inquiry, which required a difference of proceeding. As with regard to civil cases, their complexity frequently rendered it necessary to subject them to a long course of legal investigation, so with regard to criminal cases, it was the fairest plan to decide questions affecting even the lives of human beings in a few hours.

These were some of the considerations which induced him to oppose the hon. and learned gentleman's proposition, even at so early a period as the motion for leave to bring in a bill. He repeated, that if any real grievance existed, he would be as forward as any man to propose a remedy for it, or to join with any one in devising such a remedy. But this grievance had been detected only within the last year or two. To show that a remedy for it was generally desired, the hon. and learned

gentleman had produced only one petition; and that was a petition from a few gentlemen accustomed to sit as jurors at the Old Bailey. Under these circumstances, he (Mr. N.) had a right to say, that the grievance was not felt, as it had not been proclaimed by the voice of the people. Of this also he was perfectly convinced, that the proposed alteration would cause much greater evils than it would remove; that it would be injurious to the prisoner and detrimental to the cause of justice generally.

Sir James Mackintosh said, he had listened with great pleasure to the hon. and learned gentleman who had just stood in that House the severe test of his previous reputation. If he wished for a general vindication of the administration of criminal justice in this country, he would desire no more able and eloquent vindicator than the hon. and learned gentleman. But that was not the question which had been brought under the consideration of the House by his hon. and learned friend, the member for Dungarvon. No man could more highly praise the general administration of the criminal law than his hon. and learned friend had done. He wished the hon. and learned gentleman had favoured them by stating a little more forcibly the argument with the imaginary foreigner with whom he had held his imaginary dialogue on the English laws. The hon. and learned gentleman's dialogue was not like those masterly dialogues of old, in which each of the speakers maintained his opinions with all the force of which they were susceptible. It was rather like those dialogues between A. and B. in which B. was evidently introduced for the purpose of giving an easy and inglorious victory to it. If he (sir J. M.) were to put into the mouth of an intelligent foreigner any objections, not to the administration of our criminal laws generally, for in praise of that no one would join more cordially than himself but to this particular branch of that administration, he would make him appeal to the natural principles of equity, he would make him appeal to the codes of all civilized nations, codes comprising the moral feelings and judgment of the human race. He boldly asked the hon. and learned gentleman to point out a single nation, ancient or modern, in which a prisoner brought to trial, was refused the privilege of defending himself, either in person or by counsel, as he might seem to think fit? This pri-

vilege was granted in Scotland, an instance of different laws from those of England, although under the same government; it was granted in the United States, an instance of similar laws to those of England, although under a different government. But, was that all? Let the rest of the criminal law of England be looked at. The hon. and learned gentleman had gone very unnecessarily for his analogy to the court of Chancery. He had forgotten a much nearer analogy. It was this—that in all criminal cases, except for felony, counsel were allowed to speak for the prisoner. That analogy the hon. and learned gentleman had forgotten; and had gone to the court of Chancery, which had no relation to the subject; judiciously overlooking the laws in the immediate neighbourhood of his subject, respecting treason and misdemeanor. A well-informed foreigner would, as he had already observed, adduce the natural sense of equity in mankind generally, the state of the law in every other civilized nation, and the state of every other part of the law of England, in support of his objections to the anomaly complained of. Such a foreigner would throw on the shoulders of the hon. and learned gentleman the office—and it was one which would require the utmost exertion of his talents—of removing the objections to the destruction of that anomaly. If he (sir J. M.) had to speak to an enlightened foreigner on the subject, although he could not vindicate, he would extenuate the existing practice. In the first place, he would say, that it was not an invention of modern times; and, on the other hand, that it did not belong to the ancient and venerable frame of our laws. It had been declared by sir John Hawles, who was solicitor-general to William 3rd, that the origin of the practice was the poverty of the persons tried; but that the usage thus originating had put on the colour of law. It might be said, that sir John Hawles was a weak lawyer; but if, to the authority of this weak solicitor-general, he was able to add the authority of a chief justice who could not be accused of being a dilettanti lawyer, or a dilettanti philosopher, enthusiastic in the defence of philanthropy or humanity, his argument would, he thought, be pretty strongly established. That chief justice was Jefferies. On the trial of Thomas Rosewell, a Dissenting clergyman, for high treason, in 1684, which was one of the most atrocious cases on record, judge

Jefferies; on summing up, confessed to the jury, that “he thought it a hard case that a man should have counsel to defend himself for a twopenny trespass, and his witnesses be examined upon oath? but if he stole, committed murder or felony—nay, high treason; where life, estate, honour, and all were concerned, that he should neither have counsel, nor have his witnesses examined upon oath.”* This assertion by judge Jefferies was a very sound one in support of his hon. and learned friend’s proposition; for, in quickness of understanding, and at times when he was neither insane, intoxicated, nor influenced by party, no man could excel this, “the most atrocious and infamous judge,” as Roger North called him, “that ever presided in a court.” This person, of vigorous understanding, not likely to be favourable to a person accused, especially to a Non-conformist minister, on a trial for high treason, when it was not his usage to sprinkle rose-water on the party charged, allowed that to be a hardship, which the hon. and learned gentleman declared had been found to be one only two or three years ago by a few dilettanti lawyers and philosophers. He perfectly concurred with the hon. and learned gentleman in his general praise of the administration of the criminal law. But it had not always been what it was at present. It had stains resulting from the practices of barbarous times, which, one by one, had been gradually washed away. On every instance of the removal of a stain, however, arguments had been used, as specious as those which had been urged by the hon. and learned gentleman. And let him remind that hon. and learned gentleman (for he was sure that the hon. and learned gentleman was well aware of the fact), that at the time when some of the practical improvements were introduced into the administration of the criminal law, witnesses on behalf of the prisoner were not sworn; the consequences of which were, that they could not be prosecuted for perjury, and that no adequate reliance could be placed upon their testimony. In fact, it was a complete mockery, under such circumstances, to allow the prisoner to bring witnesses at all; the more especially as they attended spontaneously, and could not be compelled to attend. Such was the practice which was coeval with that which his hon.

* Howell’s State Trials, v. 10, p. 267.

and learned friend now wished to abolish. The one had been removed; and now the only great remaining blot was that which his hon. and learned friend, in his ingenious, temperate, and candid speech—and a more ingenious, temperate, and candid speech had never been made—proposed to get rid of. It was wonderful that the slow progress of reform had been so operative as to leave so little to do; but that was no argument for leaving that little undone. There were several other absurdities at the period to which he had been alluding. The jury were punishable if they gave a false verdict against the king; but were not punishable if they gave a false verdict against the prisoner. This was another of the usages coeval with that which it was now proposed to abolish. Did the recollection of it add any value or dignity to the actual grievance? In the year 1696, an act of parliament assigned counsel to persons charged with high treason. Now, whoever would take the trouble of reading the debates on that question, would find every material objection which had just been urged by the hon. and learned gentleman, urged against that proposition; as far as the rude and unadorned outline of the discussion contained in the imperfect reports of that period could convey it. The preamble of the act of 1696 ran—“Whereas it is expedient that persons charged with high treason should have the means of making a full and sufficient defence,” &c. Now, the same preamble, with the substitution of one word, would do for the bill for leave to bring in which his hon. and learned friend had moved; and it was, in his opinion, a good test to try the argument against the proposition. That preamble would then run thus:—“Whereas it is expedient that persons charged with felony should have the means of making a full and sufficient defence,” &c. The permission to prisoners charged with high treason to be defended by counsel was granted by parliament after the subject had been agitated for six or seven sessions, but without the voice of the people having been raised in its favour; for not a single petition had been presented respecting it from Berwick to the Land’s End. He should be glad if the hon. and learned gentleman would tell him what difference there was between the merit of that measure and of the present proposition. The privilege of being defended by counsel was not more necessary in the one case than in the other; but the

denial of that privilege was equally unjust in both cases. It was said, that to give the aid of counsel to the prisoner would be injurious to him. But, if injurious to the prisoner in the case of felony, why would it not be injurious in cases of high treason? He was inclined to think that, in many respects, the aid of counsel was more necessary in cases of felony than in cases of high treason. In cases of high treason the prisoners were, generally speaking, persons in a certain rank of life—enlightened men who were capable of entering into their own defence—but, in matters of felony, the cases were different; there the prisoners generally were low, ignorant, humble persons, persons altogether ignorant of the rules of evidence and of the principles of law, and who, if they took upon themselves the burthen of their own defence, were sure to involve themselves in utter ruin and destruction. And here he could not help stopping to express his surprise at a misconception of the hon. and learned gentleman with respect to the late trial at Hertford. He agreed entirely with the hon. and learned gentleman in condemnation of the ill-founded sympathy which was expressed in the cause of the guilty ruffian who was the object of that trial. The hon. and learned member did not seem to observe the purpose for which his hon. and learned friend quoted that case. He (sir J. M.) would say, that if he before had any doubt as to the guilt of that prisoner, his defence would satisfy him of that guilt; the defence of the prisoner seemed to have been made for theatrical display, and out of that love of effect which clung to that unfortunate man to the last moment of his life, which overcame all solicitude for safety, and all terrors of death. The object of calling for the aid of counsel was to obtain a fair balance of talents on the side of the prosecution and of the defence. That was an object essential to the safety of parties, and to the administration of justice; and in those cases where the parties have the aid of counsel to plead their cause, that balance of talent was pretty evenly made. But it was not so in cases of felony. There the chance of an acquittal depended upon the degree of talent which the prisoner possessed; there an innocent man, without talents, without address, without so much ability as would enable him to make that innocence clear and manifest to a jury, might be convicted; whilst the plausible, crafty, clever delin-

quent, by the force of his ingenuity and his talents, might hope to escape the punishment due to his crime. With respect to the principle of the measure, the statute of William, which repealed the exclusion of counsel in cases of high treason, recognized the principle. It was said, that to extend that principle to cases of felony would be injurious. He begged to know how? How could it be injurious to the cause of justice to give an advocate to the prisoner? How could a practice be injurious in cases of felony, which was allowed, admired, and valued in cases of high treason? If it were injurious in one case, it surely would be injurious in the other. The hon. and learned member had said, that if counsel, in cases of felony, were allowed to address the jury on behalf of the prisoner, it would lead to a deviation from the calm, temperate, and dignified character of the courts; that the counsel for the prosecution would have the cold and sober tone of impartiality, which at present he held, inflamed in the heat of dispute; and, roused by the feelings of professional rivalry and hope, he would address the jury in his turn, and deal in unmeasured language; and that thus the court would be turned into an arena for animated and angry discussion. Now, he would suppose that, in some degree, that effect would follow the admission of counsel to plead for the prisoner: it was, he confessed, the first time that he had heard it contended for, that the full exercise of learning and talent was not the best mode of reaching the truth. The hon. and learned gentleman seemed to think, that if this latitude were given—if the prisoner had the full benefit of an able advocate in a case where he wanted him most—in a case where he stood on trial for his life—that then the vigilance of the judge would be roused, and that to the injury of the prisoner. Now, if the hon. and learned gentleman were sound on this point, it followed as a consequence, that the more narrow, the more tyrannical the law, the more secure would be the prisoner, the more mild and considerate the judge. The hon. and learned gentleman, however, should recollect, that the spirit of the English constitution—the genius of the English law—ran in a different direction—that the safety of the prisoner (in cases different from those under consideration) was not left to the casual feelings of a judge, but was supported by the established maxims of the British law

—founded upon the principles of reason and of justice. It was that spirit of the law of England that gave to the prisoner the right of challenge—that, in cases of treason, gave him a copy of the indictment—that in so many cases gave to him advantages and protection. The hon. and learned gentleman seemed to think that his hon. and learned friend had said, that the opinion of the people was against the measure. His hon. and learned friend did not say so. He said, that the opinion of the majority of that profession, to which, until that night, he thought his hon. and learned friend had still belonged, was not in favour of the measure. But, whatever was the real opinion of the people on the subject—if, indeed, they had formed any opinion at all upon it—he did not think it ought solely to influence the House. He always expressed, as he felt, respect for the opinion of the people. He always inclined to give to their opinions the force they deserved; but, of all subjects upon which public opinion was expressed, he thought that, with respect to the rules and forms of law, the people were not exactly the most competent tribunal to decide upon those nice distinctions: there was one broad principle; however, which, if fairly put before the people of England, their sense of justice, their tender regard for the safety of an accused man would incline them to sanction; namely, that a person standing on trial for his life, should have a full opportunity of making his defence; should have the liberty of retaining an advocate to plead for him, when he found himself not able to plead for himself. As to the bar, it might, perhaps, be said, with truth, that the majority of that learned profession were opposed to the measure which was now under the consideration of the House. He would not even mention the idea, that any feeling of personal interest, one way or the other, was likely to influence the opinion of that body on the subject: he dismissed that notion as altogether foolish and unworthy: but there was a feeling which he feared might have powerfully influenced the members of the profession—the strong effect of habit—the repugnance to change long-established rules—the partiality they naturally felt for those forms of practice which they followed from the earliest days of their professional lives; and for that system under which they had so long acted, and under which they had earned both fortune and character—the

hon. and learned gentleman concluded by observing, that his hon. and learned friend, in bringing forward this measure, deserved the thanks and the gratitude of the public. It was a measure which, if carried into effect, would be productive of great public good; but his hon. and learned friend, in pressing that measure, was sure to meet with the powerful opposition of one party, without being sure of the support, or even the thanks of any one else. Still, as sir Edward Coke had observed, whoever sees any thing which requires correction, and points it out for the examination of the government or the legislature, does but pay the debt which every man owes, not to the profession of the law only, but to his country.

The *Attorney-General* admitted, that this was indeed no light and trivial question, but one of the deepest and gravest importance; but he, nevertheless, could not concur in the opinions delivered by his hon. and learned friends, on the other side. He could not support a proposition which had for its object an alteration of the established practice on trials for felony; because it was his opinion, that that alteration would not be serviceable, but injurious. The observations of his hon. and learned friend, the member for *Knareborough*, with respect to the effects of professional habit, had put him on his guard; and he doubted his own opinions, from a fear that they were tainted with that prejudice. His hon. and learned friend had gone back to the early history of the law, and had shown the defective state in which it once stood; and yet the House would do well to observe, that, great as those defects were, the then state of the law had its supporters against any innovation, the same as it had at this day. It should be recollected that, until the reign of queen Anne, no party accused of felony could call witnesses to be examined for the defence on oath; and, strange as it might appear, the old practice was vindicated in opposition to the new one introduced under the statute, on the grounds of humanity and tenderness to the prisoner. It was said then, that the accused had a great advantage in not being able to examine sworn witnesses, because the witnesses, not being bound by oath, could give their evidence more at large than the witnesses for the prosecution, whose oaths restrained their testimony. But the better opinion prevailed, that as the witnesses for the prosecution deposed

under the responsibility of an oath, the judge in his charge was obliged to give more consideration to their testimony, than to the statements of unsworn and irresponsible witnesses on the other side. The hon. and learned member was not so happy in his authorities as he seemed to suppose, because there was none of all which he had cited which bore immediately upon the question. The remarks of judge *Jefferies* were not founded on the state of the law as it now existed, but upon the state of the law at that period; and with respect to lord *Nottingham*, to whose authority his hon. and learned friend had also referred, he would oppose the same objection. At that time, a party accused of felony could have no counsel to assist him in the trial. Counsel might stay in the court, but apart from the prisoner, with whom they could have no communication. They were not allowed to put any question, or to suggest any doubtful point of law: but if the prisoner, likely to be a weak unlettered man, could suggest any doubt in matter of law, the court determined first if the question of law should be entertained, and then assigned counsel to argue it. But, if his hon. and learned friend would depend upon authorities, he would call to his recollection one of the very highest which could be named by any lawyer in criminal jurisdiction, a judge, who, by a very singular phrase, had been styled the *Magna Charta of criminal law*—he alluded to judge *Foster*, who stated, that he had heard all the arguments upon this very subject—and admitted that they were very plausible, but had come to a decision the opposite to that of the hon. and learned member.—He would invite the attention of the House to the state of the law as it now stood. Nothing could be conceived more impartial, cool, and considerate than the proceedings in courts of criminal justice. There could be no course more entirely favourable to the development of the truth. The greatest order, no extraordinary excitement, temperate, candid inquiry, by parties almost wholly disinterested—these were the aspects which were presented in a criminal trial. They should pause before they hastily undertook to subvert so excellent an order of things—before they consented to put to hazard the excellence of a long-tried system, for the sake of pursuing a chimerical good. But, was it the advantage of the prisoner which his hon. and learned friend sought? At present, the judge was

of counsel for the accused in trials for felony. But, if the counsel for the defence were to make a speech full of inflammation and exaggeration, which must inevitably happen, then it would be replied upon by the judge in his charge, and he would thus become of counsel against the prisoner. Was this the advantage which they would give the prisoner? But, this was not all. If a speech were allowed for the defence, there must be another in reply; not perhaps in all cases, but generally—at any rate too frequently not to be considered in the argument. The case would then stand as in *Nisi Prius* practice, where the odds were always in favour of the plaintiff. His counsel had the first speech and the last; and the effects of the last impressions were such, that he had seen cases in which they could not be erased, even by the charge of the judge directed to that very object. Was it to be desired, then, that the defect of our civil, should be introduced into our criminal system? If the counsel for the prisoner spoke, the reply would probably be fatal to his client: if his counsel did not speak, he would by his silence pronounce a verdict of guilty. As to the investigation of truth, he admitted that the arguments on the other side were specious and plausible; it was difficult to meet them; and, in order to do so, it was necessary to see how the system would work. At present, the prosecutor detailed his whole evidence fairly and plainly before the court: the prisoner then called his witnesses, and the whole was calmly and dispassionately commented upon by the judge: but, the moment a counsel for the prisoner was allowed to make a speech, this question would be introduced: a barrister must ask himself "shall I call witnesses? if I do, I must run the risk of the effect of a reply." Counsel in civil cases had often on this point to exercise a most painful discretion; they had to decide the nice point, whether the weight of the testimony they could adduce would be equal to the weight of the reply which it would occasion? In a great variety of cases, he himself had felt it his duty, in the exercise of that discretion, to refuse to call witnesses, even in opposition to the earnest wishes of his client, because he was well aware of the extreme value of having the last word, and of avoiding an able reply from the opposite side. What, then, was proposed by the hon. mover? To adopt a system, in fact, inconsistent with, and opposing

a strong barrier to the discovery of truth. At present, the counsel for prisoners called witnesses without danger of the kind to which he had referred; but, change the course of proceeding—admit the speeches of counsel, and immediately a painful discretion was introduced, and counsel must refrain from calling or bringing forward even important testimony, lest it should be followed by a reply, and a result fatal to the prisoner.—Another point deserved consideration.—The counsel of the greatest knowledge, experience, and talent were retained in the first instance by the prosecutor; so that the prisoner would be obliged to make his choice from younger men, perhaps of equal ability, but not of equal skill and experience. Thus, the trial of truth would be converted into a war of wit, ingenuity and eloquence, and the balance, as far as knowledge, habit, and self-possession were concerned, would be decidedly against the prisoner. Reference had been made to the change in the law of treason, where a copy of the indictment must be sent to the prisoner so many days before trial, and a list of witnesses furnished, out of which the prosecuting counsel could not travel. If one part of this system were to be adopted, why not the whole? Did the hon. mover wish to see a trial for felony conducted like a trial for treason? Did he wish to see the same eagerness, energy, and even passion displayed? He did not want a stronger argument against the motion than that adduced in its favour founded upon the statute of William the third. In trials for treason popular feelings were commonly excited; and, to overcome those feelings on the one side or on the other, the counsel were obliged to make extraordinary exertions. When this motion had been made two or three years ago by the hon. member for Galway, he (the attorney-general) had been captivated by the proposition in the first instance; but, upon reflection, and knowing that whatever was done upon this subject could not be undone, that the House could never retrace its steps, he had found reason to change his opinion, and to arrive at the conclusion, that the proposal would be injurious to the administration of criminal justice. If he could be convinced by any arguments, that the cause of truth and justice would be advanced, he would abandon at once all opposition on the score of inconvenience. Inconvenience and delay were at all times minor considerations,

where the investigation of truth, and the general administration of justice were involved. Although it was not usual to oppose the introduction of bills in the first instance, yet, as that now proposed was a measure of principle, and not of detail, he felt justified in resisting it in this early stage.

Dr. Lushington said, he was not surprised at the line of argument pursued by the hon. and learned attorney-general, who had commented at large on the excellence of the present system, and had contended, that justice was now administered in a manner so satisfactory, that no change could be an improvement. In this respect, the hon. and learned gentleman had pursued a prudent course, and he had with equal judgment abandoned all arguments founded upon general principles; because he well knew, that all these general principles were against him; when a prisoner was allowed counsel in cases of misdemeanor, he had still greater need of his assistance in cases where his life was at hazard. The real and only question was this:—how shall the criminal law be so administered as best to secure justice to all the parties concerned? The question was not, how a criminal on his trial shall most easily escape; but how innocence can be most certain of acquittal, and how guilt can be most sure of conviction. The attorney-general, in the course of his speech, had depreciated the law as it stood in one respect for the sake of shewing that the change suggested would be productive of inconvenience. He had taught the House to believe that, in misdemeanors, much disadvantage arose from the allowance of counsel, and that so far from the interests of justice being promoted by it, its ends were impeded. But was not this statement contrary to all experience? Did not every body know and feel, that the opportunity of defence was of the utmost importance; and did it not always meet with the full approbation of the by-standers? Was it not a constant complaint, on the part of those who witnessed the proceedings of our criminal courts, that the same opportunity was not given in felony? Did not impartial people, in such cases, always exclaim, “We have heard the speech on one side of the question; but who can tell what a counsel in his favour could have made out, if he had been permitted to speak?” Such, too, was not merely the feeling of the ignorant and vulgar, but of the well-educated and en-

lightened. The hon. and learned attorney-general having dwelt solely upon the practical benefits of the existing methods, it became important to look a little closer into those practical benefits. It was said, in the first place, that the judge was the counsel for the prisoner. In point of fact, was he so? Could he be so? It was impossible. It might be his duty to point out a flaw in the indictment, or to resist the introduction of improper evidence; but it was not the duty of the judge to exercise his talents and ingenuity in putting the case in a point of view favourable to the criminal. Take the case of Patch, which had been already referred to. He well remembered that celebrated trial, and he also remembered that, when the leading counsel for the prosecution had concluded his address, the observation made upon it was, “that is one of his hanging speeches. Not that he had tried to rouse and play upon the passions of the jury—that would not have been permitted; on the contrary it was a most cool and connected statement of facts. It was a case of circumstantial evidence merely, and the proof of the guilt of the prisoner depended upon the skilful dove-tailing of the various circumstances, so as to render the case a whole and consistent piece of ingenuity. The jury were led step by step to a persuasion of the guilt of the party accused; hence it was called a “hanging speech,” and the result confirmed the opinion. On the other hand, the prisoner, whose life was at stake, who had never addressed a court before, was called upon to meet this able statement without the slightest preparation; he was to follow an ingenious counsel through an address of an hour and twenty minutes, to point out its inconsistencies, to unravel the web, to avail himself of doubts, and to convince the jury of his innocence. Not one prisoner in five thousand could be competent to such an undertaking. Now, he maintained that this was manifest injustice. Equal justice was not dealt out to the accused and to the accuser; the whole weight of experience, talents, eloquence, was against him, and he was left to defend his life by his own miserable resources. This was neither justice in theory, nor justice in practice, and he believed that it often happened, that persons accused, but innocent, were convicted on account of the absence of counsel to state their cases. On the other hand, he was persuaded that not a few of the guilty were acquitted merely

from the compassion of the jury; who felt that if he had been allowed counsel, he might have been able to offer at least a plausible defence. At the moment they delivered their verdict, the jurymen were well persuaded of the guilt of the prisoner. He was for the conviction of the guilty and for the acquittal of the innocent, and for that system of law and practice which would best secure those ends. Much had been said about the injury that would be done the unfortunate prisoner, if he were permitted to have counsel to speak in his behalf; and, among other things, it was said, that all the heat and irritation of a *Nisi Prius* trial would be introduced into our courts of criminal jurisprudence; but, the hon. and learned gentleman had totally failed in shewing, or rather he had not ventured to attempt to shew, in opposition to what had been said by his hon. and learned friend, the member for Knoresborough, that the display of talent and ingenuity was less favourable to the development of truth than the present course, with the bare meagre statement of an advocate upon one side only. At the Old Bailey and at the Assizes, he had often viewed with indignation a poor trembling untutored wretch called upon for his defence, whose reply was—"My lord I leave it to my counsel." The judge then proceeded to inform him, that counsel could not be suffered to speak for him, and that it was therefore the proper time for him to address the court and jury. This intelligence was, perhaps, followed by a few unintelligible unconnected sentences, or perhaps by some miserable written statement, which was not of the slightest utility to the accused. If what the hon. and learned attorney-general had advanced were correct—if the evil of counsel in cases of misdemeanor were so great, the hon. and learned gentleman was bound to bring in a bill to remedy it; the employment of counsel for prisoners under any charge, if he was consistent, ought to be prevented.—He would now bring the cases of misdemeanor and felony into juxta position, that the contrast might be properly understood. An hon. and learned gentleman had referred to the explanations he should be able to afford an enlightened foreigner on the criminal law; and he (Dr. L.) would like this enlightened foreigner to be taken to the Middlesex Sessions, and to the Old Bailey Sessions, that he might gain a little practical knowledge. First, at the Middlesex

Sessions he would shew him a man under trial for a misdemeanor—say; for an attempt to commit a rape. The enlightened foreigner would there hear long and able speeches on both sides, but especially, he might note the speech for the defence, which, however, he (Dr. L.) would suppose not to avail, and that the man was convicted, and sentenced to fourteen years' transportation. Next he would walk with the same enlightened foreigner to the Old Bailey, that he might witness the trial of a man for his life who had actually committed a rape. What would that enlightened foreigner say, upon being informed, that the man, if found guilty, would be hanged, but that no counsel was allowed him, although a speech was heard on the part of the prosecution? "Why was the prisoner allowed no counsel?" he might reasonably ask, and the reply must be, "Because he will be executed if the verdict be against him." With such information, in what way could the enlightened foreigner sufficiently express his admiration of English jurisprudence? The only remark he could make might be, that as rape was a very horrid crime, he supposed the judge and jury were anxious to hang the offender out of the way as little delay as possible.—The hon. and learned gentleman had cautioned the House to beware how it interfered with the practical administration of justice. It might be dangerous; but he was convinced that there was nothing true in theory that was false in practice. In France (though he hardly liked, on this question, to refer to the administration of justice in France) the great Editor, if he might so call him, of the Code Napoleon, had provided, not only that counsel should be allowed to the prisoner, but that that counsel should have the last word; for, if the counsel for the prosecution replied, the adverse counsel had the right to answer him. He mentioned, this fact, not so much in the way of contrast, as to shew the value that was put upon the last word in criminal cases. He did not enter into the question of the difference of expense—for however great it might be, he did not think it ought to be any impediment to the attainment of so important an advantage. He believed that there was no country in the world where the administration of justice was conducted upon so parsimonious a principle as in Great Britain. There were only twelve judges, a recorder, and a common ser-

jeant, to clear all the jails of the country year after year. He maintained, that they were paid with a niggardly hand—that the judges were comparatively starved; and that their offices were not worth having [hear, hear]. They were not promoted until they were far advanced in life; and to gain the miserable pittance of a pension, they were compelled to serve until their infirmities rendered the duty of the station too burthensome for their strength. He hoped, ere long, to see a spirit of greater liberality displayed, when the chief justiceship of the court of Common Pleas would be rendered so profitable, that his hon. and learned friend opposite need no longer refuse accepting it. He complimented his hon. and learned friend, the member for Knaresborough, upon the great efforts which he had made for reforming and humanizing the criminal code, and concluded with saying, that he should give his cordial support to the motion.

The *Solicitor-General* said, it was strange that the question should be now started for the first time; for there was no proposal of this alteration in the report of the committee on Criminal laws, though that report had been got up under the inspection of the hon. and learned member for Knaresborough. If the change were so desirable, it was extremely remarkable that not a syllable was said upon the subject in any report ever made to that House. The legal authorities, too, were all decidedly against the employment of counsel by prisoners in cases of felony. Sir M. Hale, sir M. Foster, and sir W. Blackstone were all in opposition to the course; at least in none of them was there any complaint that counsel were excluded. With regard to counsel for the prosecution, they never made any attempt to excite the passions of the jury, or if they did, it was, of course, reprobated by the presiding judge; so that, in truth, counsel on the other side could reply to nothing. For his own part, he would rather do away with the employment of counsel altogether, even for the prosecution, than consent to the change proposed in the bill, which the hon. member wished to introduce. After the best consideration he had been able to give the subject, he felt convinced, that no good would result from the extension of the practice of allowing counsel to plead for defendants. On the contrary, he believed that much mischief would ensue. He was

therefore desirous, that the rule should be left in its present state; and the grounds upon which he framed the conscientious and impartial opinion he had now expressed were—that neither did he know any practical injustice that it occasioned, nor had any writer upon the criminal law of England, with whose works he was acquainted, treated the present system as a defect in that law.

Mr. *Denman* regretted, that he had not been in the House at an earlier period of the debate, and that he had consequently been prevented from hearing the speeches which had been delivered in the course of it. And more particularly was he sorry, that he had not heard the speech of that learned gentleman who had brought so much reputation with him into the House, a reputation the growth of which during that learned gentleman's practice at the Irish bar, he had watched with great pleasure, and upon no occasion had he been more gratified at its increase, than when, about a year ago, he had gained so much honour by his successful exertions in behalf of the liberty of the subject upon a state prosecution. It was somewhat singular that the learned gentleman should have been followed in his argument by his two learned friends (the Attorney and Solicitor General), both of whom were probably indebted for the honours they now enjoyed to the ability they had displayed in defending persons who were the objects of prosecution for high treason. He had thought, that his learned friends would, in their speeches, have furnished convincing arguments in favour of the proposed measure; but he could not regret that they had not done so, since their own examples gave a much more powerful proof of the efficacy and the necessity of the aid of counsel being extended to prisoners, than even their arguments could have afforded. It seemed, however, that, as cases of treason were excepted from the general practice, this was held to be a reason why counsel should not be allowed in other criminal cases. He thought that, besides the weakness of the reasoning, such a system was far from respectful to the judges by whom those other cases were to be tried. It had been said by one of his learned friends, that persons charged with felony should not be allowed to defend themselves by counsel, because this would have the effect of getting rid of that tranquillity and composure with which such

trials were now conducted. He thought his learned friend had forgotten a little the practice that prevailed in the courts where such trials were held when he was in the habit of attending them. He (Mr. D.), on the contrary, found, that a very considerable degree of warmth was excited by those very difficulties which the present system occasioned. The counsel for a prisoner being now debarred from any opportunity of stating directly to the jury such facts and arguments as the course of the investigation suggested, were compelled to do so by means of raising objections and disputing points, in which they introduced the observations they had to make to the jury, by addressing them to the court. An instance of this occurred at the Irish bar, where the counsel for the prisoner was pursuing this course, but in so pointed a manner, that the judge said to him—"Sir, are you addressing the court or the jury?" to which the counsel replied—"I am addressing the court, my lord, but I hope the jury will hear me." Although, therefore, counsel had no other than this circuitous mode of discharging what they must think was their duty to their clients, he believed they did so with no less warmth than if they were permitted to address themselves directly to the jury. The object on both sides was always to obtain a verdict. In opening a case, it was true that the counsel for the prosecution seldom, if ever, sought to state any thing more unfavourable to the prisoner than was absolutely necessary; there seemed, generally, to be about them an air of reluctance to make out the case against him; but he denied that this forbearance and composure continued beyond the opening. He had often seen great warmth displayed by counsel in trials for life and death, upon points which, to mere by-standers, would seem almost indifferent. The preservation of the client on the one hand, and their professional reputation on the other, excited them to efforts which were totally incompatible with the composure they maintained in the earlier stage of the trial, and which had been so much insisted on. The question, therefore, seemed to be, whether the inconveniences and the obvious injustice of the present system should continue, or whether the discovery of the truth should be allowed to take its chance in a contest of equal talent, by which the discussion would be carried on upon

both sides. He denied the supposition which had been ventured upon, that all the talent would be on the side of the Crown. He believed that it would be always found equally divided; and he was sure that the bar would be materially improved, if the privilege of addressing the jury on the behalf of prisoners were granted.—With respect to the objection on the ground of the waste of time which it would occasion to the judges, which had not been put very strongly, he should not, and he thought he ought not to give any other answer, than that if there was time for execution, there ought also to be time for investigating fully the guilt of the parties accused. All minor considerations should be sacrificed to the larger and more important question of the best mode of coming at the truth. [The hon. and learned gentleman here hesitated a few moments, and apologized to the House, by saying, that he had been in town only a few hours, and was altogether unprepared for the discussion. He had risen, rather from his anxiety to bear testimony as a witness on this subject, than to address to the House the arguments which might be urged upon it.] Presiding, as it was often his duty to do, in one of his majesty's courts of criminal justice, he could state from personal experience, that it would, in all cases, be a great relief to the judge to be addressed by counsel on both sides. As to the judge being counsel for the prisoner, although if he were to be counsel at all it was better that he should be so on that side, yet it was manifestly incompatible with the duties of the judge, and particularly with that laborious one of taking down the evidence, and seeing that the facts alleged were duly proved. The matters which it would be the province of a counsel to state, would be rather for the consideration of the jury than of the judge, who would have to leave the consideration to them. It was therefore impossible for a judge to act as counsel for the prisoner, unless he should take such a view of the case, as an able advocate retained for the prisoner would take; and this it was obviously impossible for a judge to do.—Nothing was more common than to meet propositions like that now before the House with an assertion, that the existing practice was found to go on well; but, in the present instance, to say this was to say nothing; for the course recommended to be adopted had not yet

been tried. There had been no experience of its usefulness; but the principle was undeniable. Nothing could be a greater injustice than to call upon a defendant at the bar, in a season of great agitation and alarm, for his defence, when it was clear, that all the preparations he could have been enabled to make for that defence must have been made before he was aware of the exact nature of the facts which would be proved against him. Any man must be less able to set forth his defence (if he were at all competent to the task) at such a moment than at any other; and he (Mr. D.) was at a loss to guess upon what ground it could be argued, that, under such disadvantages, a man ought in fairness to be deprived of the aid of counsel, while it was possessed by the prosecutor, who stood so much less in need of it. Suppose a prisoner, capitally indicted, should be mute, or lunatic, or an idiot, upon what grounds ought he to be deprived of that aid which was afforded to persons charged with much smaller offences? Was it not more fair that a man should not be called upon to cope with the difficulties of his situation, under all the agitation which must attend the knowledge that his life was at stake? Was it not more reasonable that the task of meeting such difficulties should be intrusted to one who was animated with the consciousness that he was in the performance of a useful and honourable duty? He knew it was the practice to indulge very much in common-place eulogiums on the tenderness and humanity of the laws of England towards prisoners; but, he did not see that they applied to this part of the jurisprudence. A few years ago prisoners were not allowed counsel at all, and were compelled to cross-examine witnesses, if they were cross-examined at all, by themselves. They could not even have the assistance of counsel to argue a point of law, unless they first took the objection, ignorant as they must necessarily be of such subjects, and the judge saw fit to order an argument upon it. Let them not, then, be told of the tenderness of the law, nor that the certainty of the prisoner's guilt was such, that the assistance of an advocate would lessen the chances they at present had of escaping. It would be easy to quote cases in which innocent persons had been convicted. Perhaps that of Elizabeth Canning was the most remarkable. She accused a gipsy, and

another woman of having carried her away and confined and ill treated her. They were tried for the offence; they had no counsel; were capitally convicted and ordered for execution, but were afterwards respited. A great degree of popular feeling was excited on both sides. Elizabeth Canning was afterwards tried for perjury; she had counsel, but she was found guilty and transported. Here, then, was an instance in which an innocent party, having no defender, was found guilty, and where, notwithstanding the aid of counsel for the defence, the guilty party was convicted. He might appeal to honourable gentlemen present for the particulars of cases which had occurred within the last two years, in which persons had been convicted whose innocence had afterwards been made apparent. In October last, two men were convicted of a highway robbery, who were proved afterwards to have been wholly unconnected with the crime they were charged to have committed. In that case, the right hon. the secretary of state ordered, not merely a commutation of their sentence, but had relieved them from all the consequences of their conviction, and granted them a free pardon. How often similar circumstances might have occurred which had not terminated so fortunately, no man could say. The questions to be tried, it should be remembered, were not always merely of ay or no; but frequently some of the nicest speculations (temporary derangement for example) were presented to the consideration of the jury. It had been said by his learned friend, the attorney-general, that if any exaggeration should be made by counsel, the judge never failed to rectify it to the jury. Why, for what other purpose did the judge sit? To suppose that he would hear any such statements without carefully pointing out their inaccuracy, would be to libel the judges, and to cast upon them an imputation which the whole of their demeanour contradicted. He concluded by declaring it to be his firm conviction, that every honest magistrate, every righteous judge, would be glad to hear counsel on both sides state to the jury the facts upon which they were called on to pronounce; and, for this reason it was, that he should give the motion his most cordial support.

Mr. R. Martin said, that if one case could be quoted of an innocent man having been condemned, wanting a counsel,

who would have been acquitted had he had a counsel, he thought that case would be sufficient to justify the House in now allowing prisoners to have counsel. It was of the last importance that no innocent man should suffer. The hon. member then referred to the well-known case of the two Perreaus, and contended that the repeated visits Perreau made to the banker, whom he asked to lend him money on Mr. Adair's bond, as well as the assertion of Mrs. Rudd, that she had given him the bond, were proofs of his innocence; and that an acute counsel would have known how to explain the circumstance of his saying he knew it was Mr. Adair's signature, so much to his advantage, that he would have been acquitted. Here, then, was a case, in which, if the prisoner had had a counsel he would have been acquitted. He had the whole particulars of this case in a magazine which he had in his pocket by chance, and which was as good authority as any law book whatever. Then, as to the judge being counsel for the prisoner, he would remind the House of the man who had committed a murder in the lobby of that House. He meant Bellingham. Affidavits were made, that this man had been insane for a long time; and evidence was offered to prove it if the trial were only postponed to some later day, but a day before the commission expired; and this delay was refused. Here was a case, then, in which, having only the judge as his counsel, the murderer was murdered. He remembered a case, in which sir W. Garrow having to try a man this man asked to have his trial postponed for a few hours till he could have a witness from London. The judge asked him, why he wanted his trial postponed? The man replied, that "the witness would give him a good character." The judge said, "I will give you credit for a good character, and proceed to try you." He did so, charged the jury to find the man guilty, and they acquitted him. He (Mr. M.) had afterwards seen the man who was to come from London, and he did give the accused person an excellent character. The hon. member then contended, that he had brought forward cases of innocent persons who might have been acquitted, had they been allowed to have counsel; and he had shewn that the judge could not be considered as, in fact, the counsel for the prisoner. These were the reasons why he should give his vote for bringing in the bill; and he hoped the

gentlemen opposite would allow the bill to be brought in, that it might receive a full and fair discussion.

The House then divided on the question for leave to bring in the bill, when there appeared: Ayes 50; Noes 80; Majority 30.

List of the Minority.

Allen, J. H.	Maberly, W. L.
Althorp, vis.	Macdonald, J.
Bennet, hon. H. G.	Mackintosh, sir J.
Bernal, R.	Martin, J.
Birch, J.	Martin, R.
Buxton, T. F.	Monck, J. B.
Calcraft, J.	Mildmay, P. St. John
Calvert, C.	Normanby, visc.
Cradock, S.	Palmer, C. F.
Davies, T. H.	Parnell, sir H.
Denman, T.	Powlett, hon. W.
Downie, R.	Portman, E. B.
Dundas, hon. T.	Pryse, P.
Evans, W.	Rice, T. S.
Fleming, J. S.	Ridley, sir M. W.
Forbes, sir C.	Robinson, sir G.
Grenfell, P.	Rumbold, C. E.
Haldimand, W.	Sefton, earl of
Hobhouse, J. C.	Wharton, J.
Honywood, W. P.	Whitbread, S. C.
Hume, J.	Wilson, sir R.
James, W.	Wilson T.
Jervoise, G. P.	Wood, M.
Kennedy, T. F.	Tellers.
Leader, W.	
Lennard, T. B.	Lamb, hon. G.
Maberly, J.	Lushington, S.

REDEMPTION AND PURCHASE OF THE LAND-TAX.] Mr. Maberly rose, to make his promised motion. The hon. gentleman said, that he would briefly state how the law in respect of the land-tax stood at present. In the 4th of William 3rd an act passed, by which the land was charged with 4s. in the pound; and a similar tax was imposed on personal estates, pensions, and offices. This act was passed annually, and so continued to be passed until March 1798, when Mr. Pitt thought it expedient no longer to bring it on as an annual measure, charging four shillings in the pound on land, but to make it a perpetual charge upon the land reserving, of the old act, that part which regarded places, pensions, and personal property. In respect to these the charge was continued by an annual act. The act of 1798 being, by what he considered a most iniquitous determination, declared to be perpetual, it was of course necessary for Mr. Pitt to state what his reasons were for taking such a course as he pursued on that occasion. Being perpetual, it was

clearly impossible that the landed interest could ever expect any relief from or a diminution of, the tax. The act provided, that the actual owners of estates desiring to redeem, should have the preference over other parties; and that those so entitled in preference should have this privilege or bonus—that if they purchased 3*l.* per annum annuities, they should transfer only 3*l.* 6*s.* in the three per cents, 3*l.* 6*s.* being but one-tenth more than the amount of the redeemed stock which they were to receive. Other parties, not being so entitled in preference, were to transfer 3*l.* 12*s.* in the 3 per cents, being in the proportion of but one fifth more than what they were to receive; namely, an annuity of 3*l.* So the law was continued by the 37th George 3rd, and other subsequent acts, up to the 41st and 42nd Geo. 3rd. By the 42nd Geo. 3rd, the provisions of the various preceding statutes were, with certain exceptions only, repealed. It conferred large and extensive powers on those who might wish to avail themselves of the proposed transfer. Estates, though under limitations, might be sold; lands might be enfranchised; money be taken up on mortgage; and many facilities were extended to corporations, and companies possessing landed estates for the purchase of this land-tax. That act also entailed a very considerable expense in the collection of the revenue it was proposed to raise under it; and he was sorry to say, that expense still continued. The tax itself had been sold to the amount of about 700,000*l.* a year: so that 1,200,000*l.* still remained unsold; and yet the country stood at the same expense it would do if the whole amount had been disposed of. The present charge ought to be in proportion to what it was in the aggregate, somewhere between 27,000*l.* and 28,000*l.*; but he was convinced that it was very nearly 60,000*l.* a-year. He would now beg to ask why this tax had not been all sold, and the stock transferred? The reason was very obvious. The nature of the last acts which had been passed on the subject was such, that they defeated the whole intention of Mr. Pitt's bill. In the first place, the 42nd George 3rd, did not put the stranger upon the same relative footing with respect to the owner, which he stood on in the original enactment. The result of the total operations of the several acts had been this. There had been sold of the tax 700,000*l.*, for which govern-

ment had got between 24,000,000*l.* and 25,000,000*l.* of money; the sale price, upon an average, having been about 66*l.* in money, for every 3*l.* of land-tax that had been redeemed. It was because he felt anxious that they should get out, as soon as possible, of the injudicious course which they had been pursuing, that he wished this subject to go to a committee. The plan was quit useless, if it was to remain inoperative; and yet most inoperative it would seem to be; for, in the year 1823, the church and corporation commissioners had redeemed 353*l.* only; and their expenses in the transactions amounted to 2,200*l.* He might be told, perhaps, that since the discussion of last year, the sort of collection that he complained of was put an end to. He did not know whether he was rightly informed or not; but, as at present advised, the commission in question he understood to have en a be most expensive one. Their expenses had been about 3,000*l.* a year, and the whole amount of tax redeemed under their operation had been 80,802*l.* The House would agree with him that, as things stood in this situation, some course or other was necessary to be adopted, which might extricate them from the difficulty in which the matter was apparently involved. They should either repeal the original plan, or make it inoperative and efficacious. But, how could it be repealed? since it was promulgated in 1798, the proprietors of lands and strangers had purchased about one-third of the tax. If, therefore, parliament were now to repeal the existing perpetual act, and make it an annual one, as formerly, they would be doing the greatest injustice to those who had already purchased. If, on the other hand, they went on to give the measure full effect, they would be doing the greatest benefit to the country, particularly if they proceeded at the present moment. For, let not the House be run away with by what had been more than once urged to them—that the thing should not be done now, but left to be made available at a time of difficulty or distress. If they were to sell the remainder of this tax at the present price of stock, they would soon perceive that the public would thereby be put in possession of nine or ten millions more than if they were to sell at the same prices at which the previous annuities had been sold. If the alterations of the measure which he hoped to propose in a committee should be adopted and the government

be allowed to proceed with the produce to the reduction of the unfunded debt, the greatest imaginable advantage must accrue to the country. It would be obvious to all who heard him that, if thirty or forty millions of money were to be appropriated to the reduction of that debt, the credit of the country would rise so high, that the interest of the 3 per cents might very possibly be reduced to $2\frac{1}{2}$ per cent. Now, no object could be proposed for the application of whatever produce the measure he suggested might yield, that was so legitimate as the reduction of the unfunded debt. The amount of that debt he believed to be about 36,000,000*l*. Suppose his suggestions acceded to; and that the present tranquillity of the world, in which he so heartily rejoiced, should be unfortunately disturbed. Suppose a war were to break out, the chancellor of the Exchequer would find himself in this situation—the unfunded debt would be redeemed; the money market very clear; the price of government securities proportionable; and the right hon. gentleman himself would have the means of carrying on the war for two years, without being compelled to make any extraordinary call on the public. If the House should grant him the committee, and the committee, adopting his view of the matter, should recommend the sale of the remaining tax, and the application of the money produce to the reduction of debt, would not these, he desired to ask, be points well worthy the attention of parliament? And was it not most probable, in such a case, that the interest of the 3 per cents would be diminished to at least $2\frac{1}{2}$ per cent? He knew of no mode by which the House could so readily obtain the benefit that was so much desired, as by this. In 1819, it was said, that adequately to sustain its credit, the country must have a sinking fund of five millions. But, how could public credit be more effectually upheld, than by clearing the money market of this unfunded debt, and by effecting the reduction of the 3 per cents? The House had already seen the beneficial consequences of similar reductions; for, as it had been well observed by the noble member for Northamptonshire, by those reductions of a recent date, the country had really made a nominal capital, amounting to 50 millions, or a money capital of 45 millions; the difference between the two being in fact equal only to the difference between the market price and par.

The hon. gentleman, after expressing his intention to defer any further details until the matter should come on in a committee, concluded by moving, “That a select committee be appointed to take into consideration the various acts relative to the redemption and purchase of the land tax, and to report to the House the alterations necessary to be made in order to increase the sale expeditiously as for money, and to apply the amount to the reduction of unfunded debt.”

The *Chancellor of the Exchequer* said, that when the hon. member had before brought forward his opinions on this subject, not in the shape of a motion for a committee, but in the form of substantive resolutions, he had deemed it necessary to oppose those resolutions, as they appeared to him to be founded in no sound reason. On reconsidering the subject, he saw no cause to alter his opinion; and, he thought, if he consented to the committee, it would only end in disappointment; as it appeared to him impossible that the sanguine views of the hon. member, to which he seemed so closely attached, though he had met with no encouragement from the House, would be, in any degree, realized. As to the original measure for the redemption of the land-tax, as proposed by Mr. Pitt, if it had been brought forward in any other shape, or with any other view than the one with which it was proposed at the time, he should have felt it to be very objectionable, to make perpetual a tax which had never been considered as other than transitory. Neither was there any other advantage in the measure than the specific operation at the time in raising the funds which were as low as 47, and thus enabling the minister to borrow money on better terms. The measure, in point of fact, though called a redemption of the land-tax, was no such thing. The land-tax was not swept away; for though the tax might not be paid to the state, it was paid to an individual. For instance, if a man who was tenant for life of an estate, purchased the land-tax from the public, though during his life the tax might be said to be extinguished; yet, after his death it remained a burthen upon the state, payable by the remainderman to the purchaser's representatives. He did not know what inducement the hon. member proposed to hold out to accelerate the progress of the redemption, but he was so far not indisposed to meet his views, as not to be prepared absolutely

to say, that he would not relax the terms on which the land tax was now offered for sale; but he saw no advantage whatever in holding out additional inducements to persons not connected with the land to buy up the tax. For this reason, he should not acquiesce in the motion for a committee; but, if the hon. gentleman wished to bring in a bill, bearing on the face of it his plan, and containing no undue advantage to purchasers not connected with the land, he should not object to the introduction of it. As for the expense of the establishment, which had been reduced, he begged to state, that the reduction had not taken place in consequence of the hon. gentleman's motion. The superintendence was transferred to the Treasury, and the detail of the business to the Tax-office.

Mr. Monck said, he should support the motion for a committee, not for the purpose of amending the acts for the redemption of the land-tax, but to put an end to them altogether. The plan was worse than illusory; it was mischievous. As sir W. Pulteney had said, it went to plant a perpetual irredeemable annuity, at five per cent, on the country. If they supposed the whole two millions of the land-tax had been redeemed, 66 millions would have been extinguished, and the effect would have been, that a redeemable annuity of two millions would have been extinguished, and a perpetual irredeemable annuity of the same amount created. If, in the progress of time, the 3 per cents were reduced to 2 per cents, all the difference between the full and the reduced annuity on the amount of the tax redeemed would be lost to the public. It would be, therefore, most impolitic to sell the land-tax to buy up the unfunded debt; because the interest on this debt might be reduced, but the land-tax when sold would be irredeemable and irreducible. The whole system was at once illusory and mischievous, being the mere nominal transfer of a debtor and creditor account, which left the parties it affected to relieve in the same condition they were in before.

Mr. Hume thought his hon. friend did not do justice to the plan for the redemption of the land-tax; for if there was an irredeemable annuity of 5*l.* created, suppose, in 1798, when the measure commenced, there was extinguished at the same time an annuity of 6*l.*, and all the difference between the 6*l.* and the 5*l.* for the twenty six-years since that time would

have been saved to the country. Neither was it to be kept out of sight, that there were sixteen collectors of the land-tax at 700*l.* a year each, who, with the rest of the expense of collection, would be dispensed with, if the redemption of the tax were effected. All that his hon. friend wanted was, to go into a committee, to see whether the plan was practicable. He saw no reason why this tax might not be sold like ground-rents on an estate, and the expense of collection be thus saved.

Mr. Maberly replied. He said, he had abstained from going at any length into the details of this subject, because he had expected that the committee would not have been refused. However, since the right hon. gentleman would not go the length he had expected, he would be contented to take his proposition respecting the introduction of a bill; but he did hope, that if legal difficulties should occur in its formation, the right hon. gentleman would allow that legal assistance and advice which he had in his power. He would bring in the bill; but, in a matter of such weight and importance, he did hope for the indulgence of the House. Under the circumstance of his accepting the right hon. gentleman's offer, he would not, of course, press his motion further.

The motion was then withdrawn.

[*POOR IN SCOTLAND RELIEF BILL.*] Mr. Kennedy was about to move for leave, pursuant to the notice, to bring in a bill "to regulate the Relief granted to the Poor in Scotland," when

The *Chancellor of the Exchequer* expressed a hope that the hon. member would have the goodness to postpone it to some other day, as he had a measure which was of considerable importance to introduce; he meant the statement respecting the new duties on beer, which had been put off from day to day for some time.

Mr. Kennedy said, he had every disposition to give way to the right hon. gentleman, but he hoped that, as he expected no opposition to his measure, the House would give him leave to introduce it at present, and at a future stage he would go into an explanation of its merits; the hon. member then made his motion, and it was put from the chair, when

The *Lord Advocate* said, he was placed in an awkward situation. The bill, he understood, went to alter the whole state

of the laws respecting the poor in Scotland, and yet the hon. gentleman had introduced it, without any opening statement at twelve o'clock at night. It was impossible for him now to intrude on the time of the House. All he could say was, that he must reserve himself for a future occasion. The people of Scotland would appreciate the manner in which the bill had been brought in.

Mr. *Kennedy* said, that if he had expected the hostility of the learned lord to the measure, he would have stated his views with respect to it; but the learned lord must have observed, that the course which he had pursued, was an amicable one, and with a disposition to accommodate the House. He could not, therefore, account for the tone of the learned lord and the tone of his remark.

The *Lord Advocate* said, that his remarks were not intended in an offensive sense to the hon. gentleman, but he could not but express his surprise and regret that such an important measure should be thus introduced.

Leave was given to bring in the bill.

[**BEER DUTIES.**] The House having resolved itself into a committee on the Beer Duties acts,

The *Chancellor of the Exchequer* said, that at that late hour he should feel it his duty to put his observations into as short a compass as possible; but still he feared that he should have to trespass on the attention of the committee longer than he could wish at such an hour. The subject of the beer duties was one which had been postponed for some time, and it was important to the country that the knowledge of the intentions of government with respect to them should not be longer delayed. The propositions which he should that night submit would relate; first to the duty on beer; next to the individuals who manufactured it; and thirdly, to those by whom it was sold. When, in an early part of this session, an hon. member (Mr. *Maberly*) had proposed, that the duties on beer should be transferred to the malt, he had felt an objection to the measure, because he thought at the time, and his opinion had not yet been altered upon the point, that such a plan would be only transferring the burthen from one class of persons to another, which he could not think advisable. But, at the same time, he was not insensible to the objections to the

state of the law, with respect to the sale of beer under particular circumstances: he had, therefore, given the subject his most serious attention, and had considered, whether an improvement might not be made in the law, by such arrangements in the scale of duties, as might not only facilitate the sale, but at the same time secure to the public—he meant that portion of the public which were the principal consumers of beer—such a quality as would answer the object which the hon. member for Abingdon had had in view by his motion. Any plan of this kind, considering how the law stood, would not be without its difficulties. He would first endeavour to explain what the nature of the law was with respect to the sale of beer. There were three sorts of beer which might be sold under the existing law, and which were liable to three different descriptions of duty. In the first place there was a duty of 2s. per barrel on beer which could not be sold at a higher price than 16s.; there was a duty of 5s. per barrel on an intermediate quality of beer, not sold at a higher price than 22s.; and on all beer sold at a higher price than 22s. there was a duty of 10s. per barrel. The intermediate quality of beer was authorized to be brewed and sold, by an act of last session; but, to prevent frauds in the collection of the revenue, it was necessary to impose a restriction on individuals brewing this intermediate beer, by which they were prevented from brewing at the same time, or at least on the same premises, beer of any other description. It was quite clear that the effect of this state of the law was to charge the same rate of duty on beer of every quality. The beer liable to a duty of 5s. was beer made by converting a quarter of malt into five barrels, or five barrels and a half; this would not, therefore, be a very strong beer. All beer of greater strength was liable to the high duty of 10s.; it was evident, therefore, that, under the present law, beer having great varieties of strength, was liable to the same duty. Porter, the beverage in most general consumption among the great mass of the community, was made by brewing three barrels and seven-eighths from one quarter of malt. Porter paid a duty of 10s. per barrel, while beer, of which one barrel and a half, or two barrels were brewed from a quarter of malt, did not pay a higher duty. The state of the law rendered a great number of restric-

tions on the manufacturers of this beer necessary, in order to prevent frauds, which would materially injure the revenue. It had occurred to him, that a much sounder principle would be, to endeavour to find the means of regulating the duty on beer, more directly with respect to its quality and value. He was not aware of any mode by which it was possible to establish the value of beer, except by a reference to the quantity of malt used in its manufacture. He had endeavoured, therefore, to frame a scale of duties on this principle, the effect of which would be, that, although the very best quality would pay a higher duty than at present, and the lowest quality would pay a somewhat increased duty, the ordinary beverage of the great mass of the community would be liable to a less duty than it paid at present. By the arrangement which he proposed, every individual would be enabled to obtain beer of any strength he pleased, paying a duty proportional to that strength. By this system, a vast number of restrictions to which beer was now liable, would be rendered unnecessary. The scale which he proposed was as follows:—Where one quarter of malt was employed in making any quantity of beer short of two barrels, he proposed a duty of 24s. per barrel; where a quarter of malt was employed in brewing between two and three barrels he proposed a duty of 12s.; where the quantity brewed amounted to between three and four barrels, which comprehended porter and beer of similar strength, he proposed a duty of eight shillings, instead of 10s., the present duty; between four and five barrels, a duty of 6s.; between five and six, 4s. 9½d.; between six and seven, 4s.; between seven and eight, 3s. 2½d.; and above eight, 3s.—The effect of this arrangement would be, to produce a great reduction of duty on that quality of beer which constituted the general beverage of the community, and to enable individuals to obtain beer, of any degree of strength, by paying a proportional increase of duty.—The next point to which he wished to call the attention of the committee was a matter which had excited a great deal of attention in the course of the present year, and upon which the state of the law was extremely uncertain; he alluded to the liberty of persons to sell beer by retail. The committee were aware, that, in the course of the last year, a question was put to him as to the powers which brew-

ers had of selling beer by retail. He replied on that occasion, that he was not aware of any Excise law, which prevented individuals from selling beer by retail, provided they chose to forego the advantage of the allowances made to wholesale sellers. A similar question was put to the Board of Excise, or their solicitor, and a similar answer returned. In consequence of those answers, retail breweries were opened in various parts of the country, and beer was sold, as it was conceived by the parties, as the law permitted. This had created considerable alarm among other classes of brewers, and the consequence was, that having doubts as to the law, they had instituted prosecutions against these parties for retailing beer without a magistrate's licence for that purpose. As the cases were tried, the magistrates, in what no doubt appeared to them to be the fair construction of the law, convicted the parties accused. Appeals were made in all the cases, and the matter was eventually brought for decision into the court of King's Bench; but, owing to the press of business in that court, the appeals were not yet heard, and of course the law remained still undecided. For his own part, though he was not a good judge of the construction of an act of parliament, yet he had no doubt that, as the law now stood, there was nothing in it to prevent a brewer from selling by retail (the beer not to be consumed on his premises) without requiring a magistrate's licence for that purpose. But it was better that all grounds of doubt should be removed; and therefore he would propose, that brewers should be allowed to sell by retail under the circumstances already mentioned. It was for the interest of the public, as it would greatly excite competition; and this was a case where the feelings of the public ought to be particularly consulted. He was not prepared to go the lengths of the hon. and learned gentleman (Mr. Brougham) who had last year introduced a bill, by which any party might sell beer (not to be consumed on his premises) without any restriction as to licence. Considering the interests of those who had embarked large capitals in the retail trade of beer, and who must be most materially affected by such a general and sudden change, and looking at it also as connected with the police of the country, he was not disposed to go to such lengths as to permit the indiscrimi-

nate sale of beer, without any control of the magistrates; but still he thought, that the giving the means of greater competition in the retail trade would afford that greater facility for the sale of a wholesome beverage which would tend materially to the public benefit. He would therefore allow all public brewers to sell by retail, where the article was not to be drunk on their premises, they, of course, foregoing the allowance to which they would otherwise be entitled as wholesale brewers; at the same time that he would agree to this extension of the trade, or rather of the competition in it, he thought it was right that the brewer who was allowed to sell by retail should have a licence as such, and pay for it. He would fix the price of the licence not too high to destroy competition, nor too low to put in jeopardy those interests to which he had alluded, of persons who had embarked their capital in the retail trade. The present brewers' licence cost, for all who brewed 2,500 barrels in the year, 2*l.* 10*s.*; and for all who brewed 40,000 barrels in the year, 75*l.* The mode he proposed to deal with brewers was this—(always keeping in view, that one of their objects was, to give relief to the smaller class of brewers, who were not unfrequently publicans, and that while they allowed a competition, they should at the same time reduce the tax upon such)—he would say, that for all who brewed twenty barrels in the year, a licence would be 10*s.* and from 20 to 100, 1*l.* or 1*l.* 5*s.* He could not then go through the whole scale, as he had not the paper by him. The power of selling by retail should be confined to brewers who paid for a licence 2*l.*; which would be for brewing from 100 to 1000 barrels in the year. The brewer should also pay a retail licence. This would be an act of justice to the publicans already in business; because it would be putting them under considerable disadvantage, if those who were to sell in competition with them should be exempted from paying for the power to sell by retail, while the publican was obliged to pay it, was also under the authority of the magistrates, and subject to the billeting of soldiers. He would therefore propose that the brewer should pay for his licence to sell by retail a sum of five guineas, in addition to the sum which he would have to pay as a brewer. Thus, in case he brewed over 100 barrels, and not exceeding 1,000 in the year he would have to pay 7*l.* 5*s.*;

and if he brewed above 2,000 barrels, he would have to pay in proportion to the quantity.—Another subject on which he would propose an alteration was that of Excise licences. There had been several petitions presented this year, in which a remission of the duty of those licences had been prayed. He thought it but fair that some reduction should be made with respect to that duty, and it was also but fair that it should be applied in the greatest degree to the small lines of business which were likely to suffer most by the competition. At all events, he would propose some reduction. The Excise licences, as the law now stood, were upon the following scale:—If the house in which the business was carried on was under 15*l.* a-year, they paid two guineas Excise licence duty; if under 20*l.*, three guineas; and if under 30*l.*, four guineas. In 1814 they had all paid two guineas. What he should propose was, that in all cases where the rent was under 20*l.* the excise licence should be one guinea; and all above 20*l.* it should be three guineas. Thus it would be a reduction of three guineas in the case of the small houses, and of one in the others. There were other licences to which a publican was liable, in which he would also propose some reduction; for instance, in the licences for dealing in spirits. At present all public-houses paying a rent of less than 15*l.*, paid five guineas for this licence; and all under 20*l.*, 6 guineas. In 1814 the former paid 4*l.* 10*s.*, and the latter 5*l.* 2*s.* He would put these two into one class, and make the duty on each, 4*l.* 14*s.* In the next classes the duty would be—on a rental of from 20*l.* to 25*l.*, six guineas; from 25*l.* to 30*l.*, seven guineas; from 30*l.* to 40*l.*, eight guineas; from 40*l.* to 50*l.*, nine guineas; and 50*l.* and upwards, ten guineas. He would also, he added, reduce the duty on wine licences to 2*l.* 4*s.* The effect of those reductions would not be inconsiderable. The sum lost to the revenue would be 90,000*l.* or 100,000*l.*; but then there would be something gained by the licence on the retail brewer, and also by the increased consumption which would arise from the increased facility of sale and the competition. On the whole, the loss would not exceed 60,000*l.* or 70,000*l.*; but, at all events, it would increase that competition by which the working classes would be supplied with a better and cheaper beverage than they now

could be. If it should be objected, that because of the property vested in public houses, they should not be touched, he would say, that such an argument would go the length of defending all monopoly. He would, however, for the reasons he had stated, touch such property as lightly as possible; but, at the same time, the public interest required that something should be done to increase the competition. He concluded by moving his first resolution.

Mr. *Bernal* wished to be informed, whether the resolutions, when printed, were to be discussed before or after the recess. They appear very complicated, and required serious consideration.

The *Chancellor of the Exchequer* thought the best course would be, that the resolutions should be reported, that he should have liberty to bring in the bill, and, after the bill should be printed, the discussion might be taken on the whole question.

Mr. *Buxton* wished to know whether the right hon. gentleman proposed to lay the duty on the quantity of malt employed, or on the barrels of beer?

The *Chancellor of the Exchequer* said, the duty would be imposed on the barrels of beer. He assumed that a certain quantity of malt was employed in a given number of barrels.

Mr. *Maberly* protested against this most unfair and unprincipled measure. The effect of the proposition was in fact to lay an additional duty on malt, upon this most vicious principle, that the poor man was compelled to pay it, while the rich man was left untouched. The measure afforded no relief whatever. It merely removed the duties from one description of beverage to another. The only part of the measure of which he approved was the reduction of the duties affecting licensed victuallers.

Mr. *Hume* thought the proposed plan would but increase trouble and inconvenience, without being productive of any real good. Why not put the duty on the malt, and let the brewer make the beer as strong as he pleased, as was the case in Ireland?

Mr. *F. Palmer* thought, that although the measure was not in every respect what he could have wished, yet it was still a very great improvement on the existing system. The hon. member for Aberdeen was not accurate in stating that the poor man was to pay 24s. per barrel more than

the rich man; for in fact the poor man, for want of the utensils, could not brew on so extensive a scale as to reap all the advantages which the brewer had.

Mr. *Wodehouse* wished to know if the saccharometer was to be used in estimating the duty?

The *Chancellor of the Exchequer* said, the saccharometer was to be used only as a means for detecting frauds; but the estimation of the duty would be, by compelling the brewer, in addition to the notice which he was at present obliged by law to give, to add at what rate he intended to brew the beer. When the measure came in the form of a bill, it would be seen, that a great many restrictions which at present existed would be removed.

Mr. *Spring Rice* wished to know whether the right hon. gentleman meant to propose anything respecting Excise licences in Ireland.

The *Chancellor of the Exchequer* said, the subject had not escaped his attention; but it was by no means an easy matter to deal with the licences in Ireland, the law and regulations respecting them being so extremely unintelligible. But he hoped that, if not in the present session, he should soon be able to make some improvement in the system. At present they varied according to the towns; and he understood that in towns which sent members to parliament, they paid higher duties [a laugh]. He could not tell why, but so it was; and it was a proof of the existence of very absurd regulations.

Mr. *Monck* thought the measure would operate a great improvement in the state of the beer trade. In the neighbourhood where he resided, it would, he was convinced, be received with very great satisfaction.

Alderman *Wood* wished to know how the right hon. gentleman proposed, with such an extensive scale of duties, to protect the consumer from paying the higher instead of the lower duty.

The *Chancellor of the Exchequer* said, he did not profess to attempt that. It could not, indeed, be done without such a number of inconvenient regulations, as would prevent persons from following the trade. The consumer must, under his proposed regulation, take his chance, as he did at present, for being supplied with a proper quality of beer. It would be competent for the brewer to supply him with a great many qualities, varying

according to the duty which he would pay: if he supplied an article as having paid the higher duty which had only paid the lower, to detect that, the consumer must exercise his own sagacity, or depend upon the respectability of the persons with whom he dealt.

Mr. *Gordon* wished to know what would be the difficulty in levying the duty on the malt instead of on the beer, as he understood to be the case in Ireland? He supposed it was not to be conceived, that the brewers in London brewed from any other materials than malt and hops; and yet, from the right hon. gentleman's laying the duty on beer, it would seem as if he intended to catch those persons who brewed from some other article.

Mr. *Calvert* said, if the hon. gentleman had any doubt as to the articles of which London porter was composed, he would refer him to the evidence of Mr. Carr, given before a committee of that House, which would, he thought, afford him complete satisfaction.

The *Chancellor of the Exchequer* said, he did not understand the hon. member to have intended to make a charge against any body, and certainly he himself had no such intention; but he did know officially, that such frauds had been practised, and that convictions by juries had followed. If the course of proceeding recommended by the hon. member for Abingdon were agreed to, he feared that the facilities for such frauds would be greatly increased; and one of his reasons, certainly, for adopting this duty was to render that mode of fraud more difficult. Without referring to any individual cases, it was clear that, in every exciseable article, frauds were committed, and, therefore, in framing the regulations, it was desirable to endeavour to prevent them.

Mr. *Calvert* said, he did not imagine that his hon. friend had intended to make any charge; but he had spoken so enigmatically, that it might give rise to misconstructions.

Mr. *Hume* said, that he did not see how, if the duty were on malt, this species of fraud could be more easily practised. He was far from believing it was done by any respectable brewers; but if it were practised, good beer could not be brewed; and then, according to the right hon. gentleman's own principles, the brewer would get no customers.

Mr. *Huskisson* said, the hon. member appeared to forget, that the greater part

of the public-houses were in the hands of the brewers.

Mr. *Buxton* said, as his hon. friend had risen to defend the brewers from an indirect charge, he must now rise to repel a direct one. It was not correct to state, that the greater part of the public-houses were in the hands of the brewers. The firm he was connected with supplied 700 houses, of which only 57 were in their own hands.

The *Chancellor of the Exchequer* said, he thought that he had sufficiently guarded against any supposed imputation, by stating that the regulations were framed on general principles.

Mr. *Huskisson* disclaimed the idea of making a charge against the brewers, but he would put it to any gentleman, whether the number of free public-houses in the country was not extremely small.

The resolutions were then agreed to.

HOUSE OF LORDS.

Thursday, April 8.

STATE OF IRELAND.] The order of the day being read,

The Earl of Darnley rose, and spoke as follows:

Nothing my lords, but a deliberate and heartfelt conviction that, in bringing this important and extensive subject under your consideration, I am discharging an indispensable duty, should have induced me to undertake a task, of the difficulty of which I am fully sensible, and which I wish had fallen into better hands. But having undertaken the task, I am determined not to shrink from it. The subject is so large, and branches into so many important topics, that I cannot venture to attempt more than a general outline; for which purpose, the documents already moved for, and others which might be desirable for the information of the House on points of detail, are not so necessary as they will be when your lordships consider separately those topics; many of which will be brought before you in the course of the parliamentary proceedings of the present session. On this account I did not accede to the recommendation of the noble president of the Council, to postpone the motion I am about to make till after the holidays.

I can only attempt, as I have stated, a general outline; but I wish, if possible, to leave none of the various branches of

this great subject untouched. For, unless you can be persuaded to take a view of the whole situation of Ireland, in all its bearings you never can arrive at just conclusions; or consider with advantage the best system of policy to be adopted, for the removal of those evils which all must acknowledge to exist.

In making this attempt, I feel that I shall have occasion for more than an ordinary portion of that indulgence which I have always experienced. For even an outline of the misfortunes and evils which afflict that unhappy country, cannot be comprised in few words. Let me then intreat your patience, my lords, while I endeavour (however inadequately I may perform the task) to bring before you a case in which all are deeply concerned; and let me beseech you to consider the importance of the cause, rather than the insufficiency of the advocate.

What a spectacle is now presented to the world by this great, this mighty empire! the greatest (taking into consideration the power and influence derived from commercial intercourse, beyond mere territorial possession) upon which the sun has ever shone! Its manufactures flourishing beyond example—its agriculture reviving—its credit unbounded—and its commerce embracing the whole globe in the numberless ramifications of its extended arms; its remotest colonies and dependencies sharing the prosperity of the parent state, and the condition of their inhabitants partaking of the benefits of its institutions, and the object of its anxious solicitude. In one place—one place alone, but that the nearest to its heart, and most connected with its very vitals, we see the mighty mass infected with a deep-seated gangrene, which, if the only effectual remedies be not speedily applied, will shake to its foundation, and perhaps, eventually, destroy, the great, the powerful, the magnificent structure of the British empire.

I trust it will not be supposed that in calling your attention to the present state of Ireland, I am desirous of imputing blame to, or casting censure on, the Person to whom the government of that country is more immediately entrusted. For that distinguished individual I have long been accustomed to entertain feelings of respect. From my very childhood I was first taught to look up to him as one of the brightest ornaments of the place where we both had the good fortune to be

educated. I have traced the progress of his fame, and listened to the display of his eloquence in this House, with the fondness of early predilection; and I must confess, that I felt the more sensibly the degradation which I think his character and talents suffered, by the acceptance of the government of Ireland, under circumstances which incapacitated him from putting in practice those principles which he has so often, and so eloquently advocated; and on which I agree with him in thinking, the welfare of Ireland can alone permanently and satisfactorily rest. But setting aside this *original sin* (if I may be permitted so to call it), I am ready to do justice to the successful exertions of my noble friend to execute a most difficult and unpromising task, in the best manner; and there can be, perhaps, no better proof of the fairness and impartiality of his government, than the fact, which I believe may be stated, that he is unpopular with both the violent parties that divide that ill-fated country.

As little do I wish it to be supposed, that in bringing the subject of the wrongs and miseries of Ireland before parliament, I am actuated by a spirit of opposition to the king's present ministers; or that the motion with which I shall conclude, or the statements I shall feel it my duty to make, are intended to embarrass or annoy them. No, my lords; it is not of the government of the present day; it is not of any peculiar feature of mismanagement I can discover in their conduct towards Ireland, which in many respects has lately been improved: but it is of the system that I complain—a system on which not only the misgovernment of this or that administration rests, but the misgovernment of all administrations from the earliest period of the English connection. From Henry 2nd to George 4th, from Strongbow to Lord Wellesley, I see one unbroken series of English oppression and injustice, and of Irish sufferings and wrongs; varying indeed in degree and in manner; sometimes clothed in all the horrors, and breaking out into all the atrocities, of murderous hate: at other times slumbering under the leaden influence of degrading laws. At one time exciting the furious impulses of blood-thirsty revenge, at another displaying all the debasement of slavish submission. Aggravated by the barbarism of the earlier periods of this ill-fated connection, the system of misrule has yielded in some degree to the humanity and civiliza-

tion of modern times, and to the beneficent dispositions of the late and present king. But the principle still continues in full force: and what is the principle?—disunion. The very reverse of what it ought to be, and of what I most anxiously wish to substitute in its place. Look back for a moment to the history of the connection between the two countries, which has now subsisted for more than six centuries, and tell me whether any thing like it occurs in the history of the whole world. Was there ever seen such an accumulation of violence and injustice on the part of the invaders, so much misery and wrong suffered by the invaded country? It is true that the Pale no longer exists, that a *mere Irishman* is no longer a term of reproach—that to put him to death is now felony by law, and that the naked proof that the murdered man was *merus Hibernicus* would not now induce the jury, however prejudiced in his favour on other grounds, to acquit a prisoner. But is it not possible that the best laws, partially and imperfectly administered, may operate more sensibly on the feelings of a high-spirited and generous nation, than barefaced tyranny and injustice; and may not a mark of distinction and degradation, affixed to the great majority of any community, raise and perpetuate in the minds of the proscribed class, the most hostile feelings against the minority, who persevere in holding them in this state of degradation? I have referred to the earlier part of the history of the connection between this country and Ireland, and am ready to admit, that the progress of civilization and society has produced considerable ameliorations. I am ready further to admit, that for the few last years more has been done to amend the condition of Ireland than at any former period. But when I am told of these boons to Ireland, as they have been called in this place, although I do not deny their value, I answer—the Insurrection Act is still in force, and I fear must be renewed; that Act, which enables an Irish magistrate, by the most summary process, to transport a man for the crime of being out of his house (if he has one) after sun-set; an Act, for which I have voted more than once (I feel some shame in making the confession), and for which I shall most probably vote again, from a conviction of its necessity. I answer, look at the records of the last assizes, where you will find so many trials for murders, commit-

ted for the most part by the conservators of the peace, lately appointed under the Constabulary Act, or in consequence of the mutual irritation of party.

It cannot be denied that much has been done or attempted of late, for the amelioration of Ireland; but the perverse fate that seems always to have attended that unfortunate country has prevailed, and prevented those beneficial effects which were anticipated by the authors of the different measures that have been adopted. Our great allegorical poet, Spenser, who was secretary to lord Grey, when deputy of Ireland, in the reign of queen Elizabeth, and afterwards resided in that country, begins his view of the state of Ireland, written in the form of dialogue, in this remarkable manner:

“But if that country of Ireland whence you lately came, be of so goodly and commodious a soil as you report, I wonder that no course is taken for the turning thereof to good uses, by reducing that nation to better government and civility.”

“Marry, so there have bin divers good plottes devised, and wise councils cast already about reformation of this realme; but they say it is the fatal destiny of that land, that no purposes whatsoever, which are meant for her good will prosper or take good effect; which, whether it proceed from the very genius of the soyle, or influence of the starres, or that Almighty God hath not yet appointed the time of her reformation, or that hee reserveth her in this unquiet state still, for some secret scourge which shall by her come unto England, it is hard to be known, but yet much to be feared.”

“Surely I suppose this but a vaine conceipt of simple men, which judge things by their effects, and not by their causes; for I would rather thinke the cause of this evil which hangeth over that country to proceed rather of the unsoundnes of the councils and plottes, which you say have been oftentimes laid for the reformation, or of faintness in following and effecting the same, than of any such fatal course appointed of God?”

How well this description, written near three hundred years since, applies to the present moment! The “good plottes and wise councils hitherto devised,” have equally failed, and as it appears to me, for the same reason, the “unsoundnes of those councils and plottes.” I call upon you, then, my lords, to adopt a different course, and to try at length the reverse of that

system which has prevailed for ages, and has uniformly failed.

It is not my intention to make use of this opportunity, to introduce incidentally a discussion of that question, which has so often been debated here; but in considering the general subject of Ireland, and the best mode of ameliorating its condition, and redressing its grievances, it would be impossible to leave out of my view, what is generally known by the name of the Catholic Question; but which I shall beg leave to call the question, whether an exception to the undoubted principle, that the privileges and immunities of every free state, belong of right to every subject of that state, shall in Ireland any longer be maintained? The rule I think cannot be doubted, and the onus of proving the necessity, policy or expediency, of attempting any longer to maintain the exception, rests with those who are advocates for its continuance. I say of attempting to maintain it, for I think it will not be difficult to shew, that the possibility of effecting it cannot much longer exist. I will not (perhaps I ought not) allude to the argument of physical force and numbers; though it is a consideration by no means to be disregarded, or kept altogether out of view; but the moral force of circumstances, of increasing intelligence, of the spirit of the age, of the diffusion of general knowledge and instruction, will make it impossible that so large a portion of any community can be much longer kept in a state of degradation and proscription. If this be really the case, and I think no reasonable man can doubt it, let us consider whether it may not be better to take the subject into consideration at such a time as the present, when no danger or difficulty presses upon us, than to wait till (as in every former instance it has happened) the danger of the moment, and the pressure of national embarrassments, has forced from us an ungracious, tardy, and ill-digested concession, which, as it has been made with an ill grace, has been received with little gratitude and satisfaction. I shall be told, perhaps, that the present moment is not favorable for the discussion, because, forsooth, we have a divided cabinet, who, on a point on which perhaps the very salvation and existence of the empire depends, cannot agree among themselves. For this difficulty there is one obvious and easy solution in the paternal disposition of his majesty, and his known and professed regard for this most interesting part of his

dominions; and I am fully persuaded that the most, perhaps the only advantageous way in which this great, this necessary measure can be effected, will be by a recommendation to parliament from the throne itself. On this account, principally, I should have preferred an address to the king, to any other mode of proceeding.

As to the pertinacious opposition which we have hitherto witnessed in a majority of this House to any proposition tending to remove the disgraceful fetters, in which so large a portion of our fellow subjects are held, I am as much convinced, as I am of my existence that, if once recommended by authority to your adoption, all objections would vanish, like mists before the morning sun. We should see the greatest sticklers for all the essentially protestant prejudices, of which we have heard so much, discover that the time for such opinions was gone by. A new light, a sort of inspiration would fall upon that reverend Bench; and I am convinced, that with the same unanimity with which I have so often had the misfortune of seeing them all on the opposite side of the House, I should have the satisfaction of their perfect concurrence in opinion with me, that the establishment which they are bound to defend, would be best secured by such a concession. Even the noble lord on the woolsack would find sufficient arguments, with his usual ingenuity, to convince you that a conscientious change had taken place in his opinions; and that making all the king's subjects eligible to high office, might be safely entrusted to a protestant king, in a government essentially protestant, and with his conscience in the keeping of the noble lord, or his successors.

Another objection urged against the attempt to discuss, and to settle this question at the present time, is the violent heat and animosity between the two parties that prevail now in Ireland, and the intemperate language supposed to have been uttered by the Roman Catholics and their friends. That the animosity of party feeling and mutual irritation rages more in Ireland now than at any former period, is, I fear, too true; but are the Roman Catholics only to blame? Is the injured party only, goaded almost to desperation, not only by "hope deferred," but by every species of irritating language, contumely, and insult, that can be heaped on them by their bitter and irreconcilable enemies, the *ultra*-protestants, the orangemen of Ireland, or by the corporation of Dublin,

at the head of which is now an individual with whom I have not the honor of a personal acquaintance, though I had that of introducing him more than once to your lordships—are they alone to divest themselves of the common feelings of human nature, and remain patient, submissive, and forbearing, when goaded and insulted by publications, of which I have seen very few, but some which have accidentally fallen in my way almost remind me of the furious invectives of some of the demagogues of the French Revolution? I have seen a printed paper, with the signature of a clergyman of the established church, containing the most gross ribaldry, and illiberal abuse of the great majority of the population of Ireland. Do the Protestants of Ireland really suppose that the Roman Catholics are so much better Christians than themselves, that when cursed they will continue to bless, or that when they strike them on one cheek, they will literally turn the other also? I am almost tempted to quote the words of Shylock; for, substituting Roman Catholic for Jew, they would almost literally apply*. I am happy, however, in being able to add, that a far different spirit prevails among some of the members of the established church; and I have particular satisfaction in affording my humble tribute of applause to a right reverend prelate (the bishop of Limerick), whom I see in his place, and who has evinced the true Christian feeling, which ought to distinguish his office and sacred profession. To such as have not read it, I would recommend the perusal of his Visitation Charge to the clergy of his diocese: in which will be found those genuine principles of benevolence and charity, which, if universally felt and acted upon in Ireland, would produce a very different state of things from that which now actually exists in that country, where bigoted and angry zealots seem to think they can best support that ascendancy and monopoly of privileges they claim, by insulting those whom they have so long oppressed, in the most violent and inflammatory language.—Ought not at length the church, the true church, as we believe it to be, to set the first example of forbearance and true Christian charity, and preach those doctrines to its adherents? Let the reverend prelate—let his brethren on that bench, be the first to inculcate this doctrine. Let them say to their misguided sons in Ireland, forbear—

“Ne, pueri, ne tanta animis assuescite bella;
Neu patrie validas in viscera vertite vires:
Tuque prior, tu parce, genus qui ducis Olympo;
Projee tela manu, sanguis meus:”

Shew that ours is the true religion, by practising the rules laid down by its divine Author, and point out to your erring brethren the way to conciliation and peace.

But it will be said, as it often has been said, the concession of the Roman Catholic claims will not cure the evils or redress the grievances of Ireland; and I shall be asked, whether I consider it a panacea for all the diseases under which that country labours? Certainly not: but I am persuaded, that this is the operation with which you must begin, if you really desire to go to the bottom of the mischief, and effect a perfect and permanent cure. I might as well be asked, whether I consider the corner-stone and foundation of the building as the superstructure, the edifice itself. The measures for the amelioration of Ireland hitherto adopted, which have not inaptly been called collateral, must of necessity fail for want of this solid foundation, on which alone they can rest. I contend that, on the principle and basis of equal civil rights, the structure of Ireland's permanent welfare and happiness must be placed; but it by no means follows, that this, and this alone, will complete the work. So far from it, that much as I wish that the just claims of the Roman Catholics should be granted, I doubt whether I would accept it for them as an unconnected and isolated measure. Sure I am, that it would not be worth their acceptance, unless accompanied by other measures of improvement in the condition of Ireland. I am anxious to consider the whole subject in all its branches and bearings, which depend so much on each other, that they cannot well be separated; and, in order to take an extended and statesmanlike view of the whole, you must consider them together. Many of them, besides the great question of emancipation, are far too extensive and complicated to be sufficiently discussed in the course of one debate. Each will require separate and much consideration, which I trust they will obtain from the wisdom and deliberation of parliament.

I must beg leave to call your lordships' attention in the next place to a subject, of the difficulty and delicacy of discussing which I am fully aware; but I should think I very imperfectly performed the duty I have undertaken, if I did not

* Merchant of Venice, Act III, Scene I.

declare my conviction of the necessity of considering the present state and circumstances of the church establishment in Ireland, with a view to any great and permanent arrangement likely to allay the animosities, and satisfy the just expectations, of the people of that country.

I know well the sacred mist of prejudice which is on all occasions attempted to be thrown round the sanctuary of the establishment; and the horror with which some minds view the interference of the legislature with rights which are considered sacred, indefeasible, and almost intangible. The act, however, of last year to regulate tithes in Ireland, may serve as a proof that in cases of necessity, the property of the church may be submitted to parliamentary regulation. It is true, that the tithe act of last year, if generally acted upon, would increase rather than diminish the ecclesiastical revenues; but it establishes at least a precedent that they are and ought to be the subject of legislative interference. Another bill, which appears to have been introduced this year, to compel residence, seems to prove, at least, that the property of the church is not precisely of the same nature as that of any landed proprietor, for I do not think a proposition to compel residence on any one's estate would be entertained.

In discussing the nature of ecclesiastical property, I am ready to admit that for the life of the person in possession of a benefice, the right to it is as sacred as that of any fee-simple estate; but here the similarity ceases as well as the right, and I contend, that subject to the life-interest of the incumbent, and to the interest of the patron of the living, it is not only the undoubted right, but the bounden duty of the supreme power in the state, to make any regulations for the benefit of the community in the disposition or arrangement of the property set apart for the church establishment, even if a far less urgent case could be stated, than that of the church of Ireland as at present constituted. An act of parliament to obviate the almost intolerable grievance of the system of tithes in Ireland has actually passed, and with the material alterations which I trust await it, may in the end prove highly beneficial. Into this subject I will not enter further, as it must soon form a point of separate discussion. But let it not be supposed, that a regulation of tithes is the only measure required by the abuses of the church establishment in Ireland. No one will, I

hope, consider me an enemy to the established church; I think, at least, the most reverend metropolitan will not so consider me; but as a true friend, I will not flatter, but speak the truth. Of the church of England, although a decided enemy to the abuses of non-residency and pluralities, I am not disposed to complain. In England the splendor of the church accords well with the wealth, the prosperity, the aristocratical, and monarchical splendor of the country. And above all, with the numbers and affluence of the flock—the whole is of a piece; the picture, if I may so express myself, is in keeping. But in Ireland, poor miserable Roman Catholic Ireland, how different is the case? In Ireland where are the riches?—where is the splendor?—where is the flock? In a population of seven millions, the members of the established church are certainly not more than half a million. And yet the establishment of the Protestant hierarchy in that country is more richly endowed than in this—with four arch bishops and eighteen bishops. Some parishes are without a church, some without a single churchman of the establishment, and some without either the one or the other; not however without rich endowments of tithes, furnished almost exclusively from a Roman Catholic population. Of such cases there are proofs before the House; and are not these enough to justify the assertion, that, in a general consideration of the affairs of Ireland, the church establishment cannot be omitted; and that it calls imperiously for some more extensive scheme of regulation than a commutation, or composition for tithes. Let it not be supposed that I am desirous of pulling down this sacred edifice, however monstrous and out of proportion it may appear to the use for which it is intended; nor that I am desirous of appropriating any part of its wealth for any other purposes than those for which it was, in theory at least, originally intended—the religious instruction and consequent welfare of the people. In the rapid sketch I am taking, it would not be possible to enter into any details, on this or any other of the important topics on which I think it necessary to touch: but I will state generally my conviction, that the present estates of the Irish church, if properly and rationally distributed and administered, would furnish ample provision for a Protestant hierarchy, better proportioned to the circumstances of the country; an adequate provision for a resident clergy—

man in every parish; and a fund for Roman Catholic priests, and places of worship. I can see no ground of right, or reason, for continuing the same number of archbishops and bishops that at present exist, after the deaths of the present occupiers of the several sees. I can see no reason why the successors of the present incumbents of livings should not be subject to some regulations. At all events, I am sure the subject must soon force itself on the consideration of the government, and of the legislature: and any attempts to shut our eyes to the evil, or to avoid discussing it, can produce no other effect than to render those who suffer by the present system desperate, and confirmed in their hostility to such a state of things.

The next subject to which I wish to call the attention of the House, is that of Education; confessedly of the greatest importance, and without which, the other benefits I am anxious to confer upon Ireland, will lose much of their value. On this head of inquiry, however, I shall not have occasion to urge so much as I should have done, had not an address of the House of Commons to his majesty, for a commission to inquire into this important subject on the spot, been agreed to. This measure, if fairly and impartially conducted, must necessarily produce beneficial results; and enable parliament, ere long, to form a correct opinion on the best means of affording instruction to the population of Ireland: there is, however, too much reason to fear, that the measure may be rendered illusory by the manner of carrying it into effect; for if the members who may constitute the commission, are not actuated by a spirit of strict impartiality, and devoid of prejudice, no beneficial results can be expected from it. They should be Englishmen: because it would be extremely difficult to find Irishmen exempt from party-prejudice. It is a great mistake to suppose that the peasantry of Ireland are averse to instruction, or insensible of the advantages to be derived from that source; nor has the government been unmindful of the duty of attempting to provide the means, but unfortunately it has hitherto proceeded on a most mistaken principle; and by endeavouring to make education the means of conversion, has not only totally failed, but produced an effect diametrically opposite to that which it was the object to attain. To prove this,

let us look back only to the relative proportion of catholics and protestants that existed at the beginning of the last century, and at the present day, contrasted with the sums that have been lavished on the Protestant charter schools, by which it was vainly hoped, that Roman Catholics might be converted through the insidious means of providing gratuitous instruction for the children of the poor and ignorant. The Charter School Society has existed in Ireland for near a century, having been incorporated in the year 1733. It has been maintained at an enormous expense, inasmuch as the almost incredible sum of between 600,000*l.* and 700,000*l.* has been granted by the Imperial parliament, since the Union, for that favoured establishment, which, with its own annual income, (10,000*l.*) cannot have cost much less than a million since the Union; while the number of scholars in the whole establishment has been about two thousand; and I think it may safely be asserted, that it has never been productive of any thing but mischief.

Schools of other descriptions have been long established in Ireland, from which no important beneficial result has ever been derived. Of these the diocesan and parochial schools have by no means answered the purpose for which they were established, and, as will appear by the reports for which I have moved, have been subject to much neglect and abuse. By the act of Elizabeth, which established the diocesan schools, there ought to be one in each diocese. How far this has been the case will appear from the report of which I will read an extract. In fact, these diocesan schools have been almost useless, and little better than a job.

Extract from the Report of the Board of Education, made to the Irish government. April 21, 1809.—“It appears from the abstract of the returns made from the several dioceses, that out of the whole number thirty-four, composing twenty-two archbishopricks and bishopricks, only ten are provided with diocesan school-houses in tolerable repair: in three others, the houses are either out of repair, or otherwise insufficient; and the remainder are wholly unprovided, and the masters of such schools as are kept in them, either rent houses for the purpose, or are accommodated in other ways. But it appears

from the same returns; that in some of them, no diocesan schools are kept at all, and in others, no effective ones: that the whole number of effective schools in all the dioceses is only thirteen, and that the whole number of scholars in all the schools together does not exceed three-hundred-and-eighty. In the greater part of the dioceses in which no school is kept, there is no contribution from the clergy for the payment of a master, but in some instances the salary is actually paid by the clergy to a nominal master, who either keeps no school at all, or one on a different foundation, in which the diocesan school is wholly absorbed."

By a statute of Henry 8th, schools were established in each parish, and every incumbent on taking possession of his benefice, takes an oath to teach, or cause to be taught, an English school in his parish. By what means these reverend gentlemen contrive to dispense with this oath with a clear conscience, I leave to the reverend Bench to determine; but certain it is, that in many parishes in Ireland, no such schools have ever existed. Of late years, a better and more extended system of education has certainly been adopted. Societies have been instituted, and much good has been done in promoting education in Ireland; still however some of the old leaven remains, and the zeal of well-disposed persons has in many respects tended to check the progress of these useful institutions. The subject, in Ireland, is one of much delicacy and difficulty, from the natural and too well founded jealousies of the Roman Catholics. The spirit of proselytism still continues, and attempts are still made to effect it, through the medium of education. Such attempts must not only inevitably fail, but they tend to disunite, instead of promoting good-will and conciliation, between persons of different religious persuasions. If we wish really to do good, and to advance the cause of religion and morality, let us learn at last to begin at the right end, first to civilize and instruct; then truth will make its way; but by attempting in the first instance to convert, you only confirm error. The Roman Catholics are naturally jealous of any religious instruction being made a part of the education you offer them. Can we be surprised that the impression produced on their

minds, by the system of making education the engine of proselytism, should have made it very difficult indeed, when more enlightened ideas have at length prevailed, for those who endeavour to promote education on sound and liberal principles to persuade Roman Catholics to trust their children to Protestant beneficence? The jealousy which unfortunately prevails on this subject is perfectly natural; and in all projects for instructing the poor of Ireland, great allowance should be made for the prejudices necessarily arising from former abuses, and every effort made, by conciliating and even a little flattering the prejudices of the Roman Catholic, to induce them to go hand-in-hand with the establishment in the great work of national instruction, and its necessary consequence—civilization, and improvement.

I come now to another very important feature of this inquiry—I mean, the condition of the Irish peasantry; and and this is the most painful part of the task I have undertaken. Such of your lordships as are acquainted only with this rich and happy country, can form to your imaginations a very faint picture of the contrast that prevails between the comparative comfort of an English cottage, and the squalid misery of an Irish cabin. It would be too painful for me to attempt, and too difficult adequately to perform, the task of placing in contrast the two opposite pictures: suffice it to state, that a large proportion of the abundant population of Ireland, is in the lowest state of wretchedness, with only as much food, lodging, or clothing, as are necessary to support mere existence—and what is worse, in most instances without employment, or the means of obtaining it. I do not say that this is universally the case: God forbid. I know that in some parts of Ireland, more favourable local circumstances—resident gentry, humane and considerate landlords, resident, benevolent, and moderate clergy, and a greater demand for labour, exhibit a peasantry living in some degree of comfort, and in a state of existence in some respects better than what I have described: but I would ask those best acquainted with Ireland, whether there are not large districts, especially in the immediate vicinity of Turf Bog, where the same earth furnishes the materials with which the hut is constructed—the turf to boil the pot—and the only food ever put into

it, the potatoe? Whether language can describe the wretchedness of an Irish cabin?—and whether, generally speaking, the condition of an Irish peasant is not very low indeed in the scale of human existence, arising in great measure, amongst other causes to which I shall have occasion to refer, to a total want of employment, so as to justify the description given in the report of the committee of the House of Commons, now on your table, from which I will read an extract:—

“The condition of the peasantry of those districts of Ireland to which the evidence refers, appears to your committee to be wretched and calamitous to the greatest degree. An intelligent Scotch agriculturist, who visited Ireland during the last year, alleges, ‘that a large portion of the peasantry live in a state of misery of which he could have formed no conception, not imagining that any human beings could exist in such wretchedness; their cabins scarcely contain an article that can be called furniture; in some families there are no such things as bed clothes, the peasants showed some fern, and a quantity of straw thrown over it, upon which they slept in their working clothes, yet whenever they had a meal of potatoes, they were cheerful; the greater part he understood to drink nothing but water.’ This statement appears confirmed by the testimony of many of the witnesses examined by your committee, who agree not only in this melancholy description of the condition of a considerable portion of the Irish peasantry, but agree also in attributing it to the total want of employment in which they are left. In some parts of the country one half of the entire population are stated to be without employment, in others, the proportion is said to be still greater; and all the witnesses examined agree in attributing to a considerable degree, the turbulent spirit of the peasantry and their excesses to this cause. At Clonakilty, in the county of Cork, where the linen manufacture has been introduced, tranquillity is stated to have prevailed; in the county of Mayo, where yarn and linens to a considerable extent are manufactured, the public peace has not been endangered; one barony in the county of Kerry has been uniformly the least disturbed, and in that barony alone has manufacturing industry been carried to any extent. In the neighbourhood of Waterford, ‘no shade of disturb-

ance has existed, the peasantry having a steady market for their labour; whilst in parts of Cork, where the people are to a considerable degree unemployed, the most dangerous combinations against the laws, and the most violent attacks upon property, have lately taken place;’ and yet in those very districts your committee have been informed, on the authority of a civil engineer of eminence, ‘that he very soon pacified the country by an extended employment of the people in opening a new line of road;’ the member who gave this information, adding from himself, ‘that if employment could be made sufficiently extensive, he doubted not that the turbulent habits of the population would be abandoned.’ When in addition to these expressions of opinion, the improved condition and tranquillity of the North of Ireland, where the linen manufacture prevails, is contrasted with the wretchedness of the South, your committee cannot refuse admitting the immediate connexion existing between employment and peace, as well as between want of useful occupation and turbulence.”

That the peasantry of Ireland are generally in a miserable state, cannot, I fear, be doubted; and I forbear to dwell upon the painful description. Let us rather investigate the causes, and seek the remedies, if any can be found. It may perhaps excite some surprise when I state, that among the most prominent causes of the wretched state of the Irish peasant, I shall place the introduction of that vegetable which now constitutes almost the only food of the population of Ireland, the potatoe. The richness of the soil, and the mildness of the climate, have contributed in the first instance to promote the cultivation of this root more in Ireland than elsewhere; and the temptation afforded to the inherent indolence of human nature, to prefer a food more easily obtained and prepared for use than any other; a food, the nutritious (and I may add the prolific) qualities of which, together with the facility of its production, have tended materially to spread over the face of that island a superabundant population, satisfied to exist without comfort, and without employment, except that which arises from the wretched cultivation of the soil necessary to produce this their only food. From hence arises among the peasantry of Ireland an eager competition for land, which is necessary for their existence. For it is not in that country as in Eng-

land, where the labourer is almost certain of obtaining a day's work, and payment for it in money, with which he goes to market for his food. In Ireland the poorest man is a sort of small farmer, renting a portion of land for his subsistence; and this evil, and the minute subdivision of tenements, has been increased by what is called the elective franchise. On this subject the report of the committee on your table says, "Many of the evils of Ireland, moral and political, as well as the depressed state of the peasantry, may, in the judgment of your committee, be traced to the mischievous, and frequently fraudulent multiplication of the elective franchise. This subject is highly deserving of the notice, if not of the interposition, of the legislature."

I shall be told that this is one of the greatest "boons," as they have been called, that has been conferred on the Roman Catholic population of Ireland; but I consider it, in its operation, one of the greatest evils, and by a fatality, that seems at all times to have attended this unhappy country, to have proved rather a curse than a blessing. It is, in fact, any thing but a franchise to those wretched freeholders, as they are called, manufactured for the purpose of extending the influence of the landed proprietors; and few things would tend more to the substantial advantage of the Roman Catholics, than a modification of this right; no part of which, however, they ought to be asked to give up without an ample equivalent: but in the comprehensive arrangement which I am anxious to recommend, I think the point might be arranged to the satisfaction and advantage of all parties.

Another cause of the wretched state of the Irish peasantry, much dwelt on (and to this some persons go as far as to ascribe it in great measure, or at least, more than to any other), is the non-residence of a large proportion of the landed proprietors, and the constant drain of money that is thereby occasioned from the country. That this is an evil, cannot be doubted; and that it is one of considerable extent, I am ready to admit; but that it goes as far as is supposed, I by no means think; and I am sure it is capable of an easier remedy than most of the other sources of the unfortunate condition of the Irish population. I am speaking in the presence of many great Irish proprietors, and I flatter myself that none of them will be disposed to dissent from the opi-

nions I am about to utter. They all feel, I am sure, that in calling upon government to redress the wrongs of that country, in which we are so much interested, it is our bounden duty to do our part, and fairly and in earnest to set our shoulders to the wheel. By a steady co-operation with a government ready to act on those which I consider the only sound principles, and which I am endeavouring to recommend, the condition of the Irish peasantry may be effectually and rapidly ameliorated; they may have good reason to submit themselves to the laws, and comfort and subordination may gradually succeed to squalid poverty and lawless outrage. What are the great wants of the Irish peasantry? Civilization and employment! The first is to be obtained by education, such as I have described it, in which, if the government will do their part, let it not be said, that the Irish landed proprietors are behind hand in the good work in which every one of them, whether constantly or occasionally resident, or even not resident at all, has it in his power most essentially and most usefully to co-operate. It must be admitted that the constant residence of a landed proprietor on his estate, affords the best and readiest means of carrying this co-operation into effect; and I perfectly agree in the opinion, that where the whole of his revenue is drawn from Ireland, the possessor of the estate is quite inexcusable if he spends the whole of it in another country: such as these have been justly called by the noble viscount who seconded the address, and whom I am sorry not to see in his place—illegitimate absentees;—there are others, however, whom he has called legitimate. To this description I claim to belong, having an equal landed property in this country, and places of residence, which I have not in that. There are others who hear me in the same situation, each of whom, particularly my noble friend near me (lord Lansdown), and the noble duke who brought forward a motion on this subject last year, will agree with me in considering it an indispensable duty occasionally to visit his estate in Ireland.

It has been justly stated, in the extract from the report of the committee of the House of Commons, which I have read, that want of employment is one of the principal evils of Ireland—this evil never can be effectually remedied without the change of system I have recommended,

by which the population of that country, by being made better satisfied with their condition, will become habitually submissive to the laws, against which they are now so often arrayed. A conciliatory plan of government can alone lead to this result; and whenever tranquillity and security shall appear, there can be no doubt that the redundant and immense capital of England, seeking new channels in all parts of the world, will not overlook the best means of employment, nearest the seat of empire, in a fertile and productive soil imperfectly cultivated; mines unexplored; harbours unimproved by art; roads, canals, manufactures; in short, in all the means of profitable employment of capital and industry, which the island presents, and which want nothing but security and good government to make them available. Under every disadvantage some progress is making, and it is in the mean time incumbent on government, as well as individuals, to use every exertion in removing one great source of Irish misery, in the disproportioned demand for labour to the population of the country. I consider the obligation of spending some part of their income in employing the poor resident on their estates, imperative on all Irish proprietors; and I may add, that, in performing a pleasing duty, they must in the end most essentially benefit themselves, both in the improvement of the land, and in the increased comfort, contentment, and peaceable disposition of those who reside on it. With regard to any assistance to be afforded by government, the question is one of more difficulty. I am aware of the objection as a general principle, to any bounty to be given by the state to encourage industry. The stimulus afforded by self-interest is wisely ordained by Providence, to be the best and most efficacious instrument to compel the rich to administer to the wants of the poor, in the best possible manner, by affording them the means of subsistence in payment for their profitable labour; but if there ever existed a legitimate exception to the general rule, it is in the present situation of Ireland, where, in consequence of the misgovernment of ages, a state of misery exists in the bulk of the population, for which no immediate relief is likely to be found, on the ordinary principles of political economy. Under these circumstances, I do not see how a portion of the public money can be better, or more humanely and advantageously

spent, than by stimulating industry, by affording assistance to public works, and by encouraging rising manufactures. At least, I must contend that the circumstances of Ireland require, that any artificial aid heretofore granted, even on principles recognized to be erroneous, should not be hastily withdrawn, I therefore say, that we should hesitate before we sanction on general good principles their application to Ireland. I heartily concur with those who think that all artificial stimulus, as well as all artificial restriction, should be denied to trade and manufactures; but I by no means admit that, circumstanced as Ireland is, this principle should be adopted in withdrawing from the sources of industry, the aid they have hitherto received. This is particularly the case with regard to the coarse linens of the Southern and Western parts of Ireland, where the rising manufacture has contributed more than any thing else, to diminish the evil of tumult and insurrection. At all events, it appears perfectly clear, that no more effectual present remedy can be found, for the depressed and miserable condition of the Irish peasantry, than employment: and government, therefore, ought to be exceedingly cautious of adopting any measures, which, directly or indirectly, may seem calculated to diminish the sources of this relief; the efficacy of which is amply established by the report on your table, to which I have referred.

There are other grievances under which Ireland labours, which ought not to be overlooked, although partial and collateral remedies have been attempted by the legislature: amongst these the habit and system of jobbing, which has been long so inveterate in that country, holds a distinguished place. Having adverted to the absent proprietor, I cannot omit mentioning the resident Irish gentry, who have also duties to perform, which I fear, in too many instances, they neglect. They also are at least as much bound to protect the interests of their poor tenants whom they have constantly under their eye, and with whose wants they must be best acquainted: they also are bound to resist that inveterate evil of Ireland, the love and practice of jobs: one of the most prominent of these is the system of grand-jury presentments, and the shameless abuses that sometimes take place in the making and repairing of roads, and other objects for which money is levied by

them. On this subject I cannot do better than read an extract from the report of Mr. Nimmo, an engineer of great eminence and high character, made by him to the Irish government, and printed by order of the House of Commons.

"Materials of the best description are, in general, in abundance; but the general construction of the roads having been exceedingly unskilful, both in direction and level, and the repairs carried on by a class of persons who make a trade of it, as a market for the labour of their poorer tenantry, there is no attempt at operating a permanent improvement; the less labour bestowed on the road, the cheaper the work can be undertaken by the perch, and the easier for the persons actually employed, who are not, properly speaking, paid for what work they do, but have the amount of the presentment allowed by their landlord, as a set-off against the rent of their holdings; as, in order to account for the presentment, it is necessary for the overseer to swear that he has expended the money; and as it cannot be expected that persons will take all this trouble of obtaining presentments, and overseeing workmen, gratuitously, the only way left for the gentleman overseer to indemnify himself, is to charge as high a rent as possible for his land, and get the tenants to make the road as cheaply as possible, that he may the more readily obtain presentments from the grand jury. Besides, if he be a person of tolerable credit, he may, by paying a discount of 10 per cent to the county treasurer, obtain the amount of his presentment in advance, as soon as passed; and then his only trouble is, to get the road made in some way or other, so as to be ready on the day of the assizes or accounting sessions. Or, indeed, what will answer just as well, he may get the working overseer, who is named with him in the presentment, to swear that the road is made, and the money expended. It is remarkable, that there never is any where less than 21 feet wide, as that breadth at least must also be sworn to: ingenious men, however, found a mode of getting over this, by leaving out in the presentment the portions where the road is too narrow; if there be much of it together the repair must stand over, until some one be found with a conscience sufficiently pliant to get through the difficulty.

"It is painful to think, that the precautions taken by the legislature to dis-

courage speculation in this matter should have only tended to promote a system of perjury, which has thrown the public works into the hands of persons of little or no principle, and deterred every honest man from undertaking them: some simple system of audit could surely be contrived, that would sufficiently secure the interest of the public, without all this swearing; and in that case respectable men would be encouraged to make or repair the public roads in a solid and economical way.

"The custom of jobbing roads is so inveterate, that we could seldom get the work properly done by day-labourers for the sum granted by presentment. The peasantry are not trained to those habits of industry which are always the result of regular payment."

While such practices as these prevail, a country cannot be happy or contented; and the strong arm of the legislature ought to interpose to put an end to them, and establish a better system.

There are other points, of minor importance, into which it would be the duty of a committee, if granted, to inquire; but I have occupied too much time already to go into them. I am fully aware of the imperfect manner in which I have executed the task I had imposed on myself, and that I have omitted many topics and arguments which it might have been material to have urged; but I have endeavoured to shew that what has been hitherto done for Ireland, however beneficial as far as it goes, does neither go far enough, nor to the root of the evil; that collateral measures however good in themselves, are by no means sufficient; that by palliatives, "You do but skin and film the ulcerous place:" and that nothing short of a total change in the system can effect a real and permanent cure.

I therefore call upon your lordships to take into your most serious and immediate consideration the principal points I have urged: the necessity of removing political disabilities on account of religious opinions; the state of the established church; education; and employment. On these great and leading topics, I entreat your deliberation at this most favourable moment, when I have contended that they may be discussed with the greatest possible advantage. I urge the danger of any, the impossibility of much delay; let us on this occasion, at least, shew that we are indeed the faithful as

well as the constitutional and hereditary counsellors of the Crown; let us stand between our sovereign and his ordinary advisers; who, divided among themselves on a great question, on which the welfare, perhaps the existence of the empire depends, are agreed only in preferring the possession of place and power to this or any other consideration; let us tell the king, who, in his speech from the throne, in his peaceful and gracious visit to Ireland, and in his truly paternal admonition at parting, has proved his solicitude for the welfare of that country; that it can be secured by nothing short of a consistent and total change in the system of government. Let us tell him that, having witnessed, during the administration of his father's, and the possession of his own royal authority, the triumphs of war, a more lasting, a more valuable triumph still awaits him; one which will be far more grateful to those feelings by which he is actuated, a paternal solicitude for the welfare of this most unfortunate part of his extensive dominions. I confess, I had flattered myself that much good would have resulted from his majesty's visit to Ireland; but how has this expectation been disappointed, when, instead of the oblivion of animosities recommended by the sovereign, the violence of party rages there more fiercely than ever. In that unhappy country it appears as if the course of nature was inverted, and the connection between cause and effect destroyed; for while the exuberant richness of the soil, and unequalled mildness of the climate, by promoting an overflowing population, increases the misery of its inhabitants, the injunctions of a benevolent monarch, by elevating too much the hopes of one party, and exciting the jealousy of the other, seems to have increased, rather than to have allayed, their mutual animosities.—In Ireland, Ireland, alone, conciliation produces discord, and fertility famine. It is time that such a state of things should cease; and it can only cease by going to the root of the evil.

It is to this that I am anxious to call your lordships' attention; it is to this you must go, if you desire to cure the disease, which, as I before stated, has existed for centuries, and may be described as the feverish irritation, arising from a sense of oppression and wrong. This feeling has often broken out in scenes of insurrection and violence; to obviate which, the only re-

medies ever applied have been coercion and the sword. Successive governments have never looked steadily and dispassionately to the source of the disease; but have contented themselves with checking paroxysms as they have arisen, by the long-accustomed remedies nearest at hand. These political Sangradores have no notion of any thing but bleeding and hot water, military force, or grinding and oppressive penal statutes.

I entreat your lordships to consider at length, whether, instead of the violent remedies which you have been accustomed to administer on the spur of the occasion, it may not be practicable to adopt a far different and a better system.

The present system cannot be much longer persevered in. We are now at peace with all the world; and we are told by authority, that there is no prospect of war: but let it not be forgotten, that what it cost us so much blood and treasure formerly to prevent, has been lately effected; that France is now in possession of Spain; and is any one sanguine enough to expect, that peace will be preserved for many years, under these circumstances? and in the event of war, what will be the situation of Ireland, if the present grounds of disaffection continue to exist among its numerous population? I forbear to press this consideration. But the expense alone of an army of twenty-four thousand men, which is now barely sufficient, and which is double the number of what was thought more than sufficient, thirty years since, is no slight consideration. Moreover, I venture to predict, that if you do not alter the system, fifty thousand men will not be enough to secure that country; which, by a course of real kindness and conciliation, the very reverse of what has been pursued for centuries, instead of a source of weakness and alarm, you may render the most impregnable bulwark of the British Empire.

The experiment has never been fairly tried, and it is worth while at length to make it. The Irish are a warm-hearted and grateful people; they can bear injury and oppression better than contumely and insult; and if you treat them with kindness, you may rely on their affection, which, by a perseverance in the present system you can never attain. I call upon you therefore, my lords, to seize this opportunity which presents itself, and which may never again occur, if you now neglect it, and to take the case of Ireland into your most earnest

deliberation. To lay aside if possible the mist of prejudice by which it has been always surrounded, to consider the subject in all its bearings, to sift it to the bottom, and when you have discovered the full extent and nature of the mischief, to apply other remedies than those which have hitherto so lamentably failed.

England owes much to that ill-fated land, we have a heavy debt of misrule and oppression to redeem. Let us, at length, begin at least, and let us endeavour to tread back those steps which have led to so much mischief, and which, if not soon retraced, must produce the most ruinous and lamentable effects. I speak not the language of party, but from a conscientious and deliberate conviction of its necessity, I earnestly recommend the adoption of the motion with which I shall now conclude;—

“That a select committee be appointed to inquire how far the provisions lately adopted by parliament, or recommended by his majesty's ministers for the internal regulation of Ireland have tended, or appear likely to tend, to remove the grievances, to allay the discantents, or ‘to secure the welfare and happiness of that part of the united kingdom;’ and to ascertain whether any and what further measures of regulation, or of conciliation, may be required, to remedy the evils that have long existed in that country, ‘which has for some time past been the subject of his majesty's particular solicitude.’”

The Earl of *Liverpool* said, that under any other circumstances he would have refrained from giving his opinion on this important question until he had heard those of noble lords who, from their local acquaintance with Ireland, possessed much more information on the subject; but he was afraid that, in his present state of health, he should be exhausted before that hour could arrive. He therefore rose at that early period of the debate. He would set out by saying, that if he thought that any practical good was likely to raise to Ireland, or to the empire at large, from the appointment of the committee for which the noble lord had moved, he would not oppose it; but he felt firmly persuaded, that not only could no benefit arise, but that much inconvenience would ensue from agreeing to the motion. He would therefore oppose the motion, because, however much—and he had no doubt the noble earl felt satisfied that much good would result from his proposition—might be an-

ticipated from such an inquiry, it appeared to him that it would be productive of mischief, inasmuch as it might give rise to hopes which could not be realised. In setting out he would beg to say, that for the Irish people as a body he felt the kindest feeling. It was but doing justice to his knowledge of their character to say, that though he had not visited Ireland, and was therefore free from local prejudice, one way or other with respect to them, yet he had frequently in his public and private capacity come in contact with large bodies of the people of that country; and he would assert, that whether he referred to that very large portion of them which was engaged in the most laborious employments in this country, or to that extensive class of Irish artisans and mechanics which was employed in the capital, or to those other masses of that country who were engaged in various other pursuits, he would, he repeated, assert, that a more honest, a more industrious, set of people, or a people more alive to every feeling of gratitude for favours conferred (whatever might be said of them in their own country), did not exist. He said this that it might not be imagined that his objection to the motion arose from any indifference to the people of Ireland, or from any disposition to undervalue their importance: for he would say again that, whether we looked to the services of the people of that country in our armies or our navies or in any other department in which their services were required, a more useful set of people did not exist in the world.

In referring to the present state of Ireland, their lordships should consider that there was a great difference between one part of that country and another. The province of Ulster, for instance, was in a state of prosperity, not merely as compared with some other parts of Ireland, but as compared with Great Britain itself. Therefore, in reference to the evils which might be said to exist in other places, we should always exclude that part, which, happily, was exempt from all, or nearly all of them. He would now say a few words with reference to the acts of the English government, and to its policy towards Ireland in former times and at the present. He did not mean to underrate what the noble lord had described as the policy which had been formerly pursued by England towards the sister island—that policy which might truly be termed unjust and illiberal. He would admit that it was for a long time a

policy of tyranny and oppression, and that even in those cases where the epithets of tyranny and oppression were not applicable, it was a narrow and selfish policy, and that in both cases Ireland had greatly suffered by its adoption. But, admitting this, he could not shut his eyes to the fact that it was not altogether to such policy that Ireland owed those evils by which she was affected. Ireland owed much of the inconveniences which she had suffered to the having received at an unfit moment that which might under different circumstances be a benefit—he meant the extension of English laws and English institutions. He was sure that if this country had applied the same principle to Scotland immediately after the rebellion of 1745, Scotland would not be in the flourishing condition which she this day presented. He mentioned this in support of a principle which would not, he believed, be denied; namely, that in all countries the benefit of legislation should be applied to the particular circumstances of the country.

Before he proceeded to other parts of the noble earl's speech he would say a word as to the policy which had, in recent times been adopted by this country toward Ireland; and he would refer particularly to the acts which had been passed in the late reign for the benefit of that country. On this subject, he would take the evidence of a noble baron (lord Grenville) who he regretted did not of late attend in his place in the House. That noble lord, who often took a very different view from that which he (the earl of L.) held on the subject of Irish questions, had admitted, that at no period of our history had so many acts in favour of Ireland, and calculated to promote its interests passed, as in the reign of his late majesty. He believed that the noble mover was not aware of all the acts which had been of late years passed in favour of Ireland. However, from his knowledge of them, he would assert that there was no instance on record of any country doing more for a limb of its empire than England had done for Ireland within the last few years, and upon the establishment of the truth of this assertion he would rest his opposition to the present motion. It would not be denied that England was the highest taxed of any country in Europe: Her taxation was double that of France or the Netherlands: but, with this burthen, she had taken upon herself the debt of Ireland, and he would

assert that Ireland was at the present moment the least taxed country in Europe, in proportion to her population, except perhaps Switzerland. England was five times as much taxed. Ireland had now no direct taxation to the Crown—no direct taxation whatever, unless the tithes could be so considered. When he said that England was doubly taxed, compared with any other country in Europe, and that Ireland was the most free from taxation, in the same comparison, he stated only a small part of what he meant to prove. He would admit, that a small degree of taxation might be too much for a country with very limited resources; but, it was not in the mere freedom from direct taxation that Ireland had experienced the liberality of this country. From all the protecting duties against the competition of other countries with English produce, Ireland had been exempted. In the corn bill, which prohibited the importation of corn from the rest of Europe, the produce of Ireland was allowed to be brought into the English market. Thus while Ireland was not half as much taxed as France or the Netherlands, and only one fifth as much taxed as England, she had all the advantages of the English market for her produce, from which the other nations of Europe were excluded. These were facts which should be stated in the discussion of such a motion as the present, as they would prove the assertion which he had made, namely, that no country in the world had ever behaved with more liberality to a branch of its empire than England had recently (whatever might have been her policy in former periods) behaved towards Ireland.

Perhaps the subject of religion might be excepted by some noble lords from this principle. Upon that he would observe, that it was not connected with the commercial or fiscal policy of England towards the sister islands. But if the evils of Ireland were said to arise from that source (which he was not prepared to admit), he should on the proper occasion be able to show, that those evils were to be attributed to other and very different causes. With respect to the committee of general inquiry which was now sought, he would ask their lordships in what case had any practical evil been pointed out which the government had shown an indisposition to remedy? Where had they refused inquiry, where inquiry was likely to be attended with any beneficial results?

Their lordships were aware that a commission had been appointed to inquire into all the fiscal regulations of Ireland, and that it had already been attended with the most satisfactory results. He would not object to any inquiry where a particular evil could be pointed out; but he did strongly object to a general inquiry with no particular object, and which, from the nature of it, must give rise to hopes which it might not be possible to realize. From the proceedings in the other House of parliament it was clear that where legislative measures could be applied with any hope of effect, they had not been neglected; and he was glad to acknowledge that in some of those measures men of all parties had united in forwarding objects likely to be productive of general good. Amongst these he noticed, with much satisfaction, those measures which were intended to diffuse the benefits of education throughout Ireland. In the foremost of those who were anxious to promote that salutary undertaking, was a noble marquis opposite (the marquis of Downshire), who never visited Ireland without conferring a benefit on its people. That institution from which the country might expect such lasting benefits was now in active progress. He would admit the benefit to be derived from charter schools and other Protestant establishments for education; but he must, at the same time, contend, that the benefits of education should be more widely diffused, and extended equally to Catholic as well as to Protestant. That object, he was glad to observe, was likely to be attained by the institution of general schools to which he had adverted. Since their establishment in 1817, they had increased every year in a manner which showed the importance which was attached to them by all ranks and classes. In 1817 the number was 30; in 1818, they amounted to 65; in 1819, to 133; in 1820, to 241; and (without going into the details of the intermediate years) he would observe, that in the last year their number was increased to 1,122. To show the progress that these schools were making week after week and month after month he would state the increase which had taken place in the quarters of the last year. In the first quarter, 63; in the second, 73; in the third, 117; and in the fourth, 142; making in all 395 increase in the year. In these Catholics and Protestants were indiscriminately admitted, the former having the Scriptures according to their own, the

Douay, version, whenever they so desired it. It was also a satisfaction to remark, that the number of these schools continued to increase in the south of Ireland, as well as in the north and east, and that in the appointment of masters there had been no distinction made between Protestant and Catholic. It would not, of course, be expected, that the improvement to be derived from such schools could be apparent all at once—that the habits and manners of the people could be all at once reformed as if by the touch of a magic wand; but it was gratifying to learn, that in those districts where the system was most general, and where the schools had been longest established, the greatest improvement had been visible. The noble earl here read some extracts from the communications of private individuals, and also from the reports of the School Association, in proof of this assertion. He had thought it necessary he said to mention these facts, not as objections to the noble earl's motion, but to show how an institution, calculated to remove many of the evils complained of in Ireland was working. Their lordships were, perhaps, aware, that in the other House an address had been carried for appointing a commission to inquire into the state of education in Ireland. So far from objecting to that measure, he cordially approved of it. It would, he had no doubt, be productive of the best effects.

The next subject on which the noble earl had touched was the police of Ireland. Upon this, he would admit, that many of those who were appointed as instruments for the preservation of the peace had been guilty of gross abuses of their authority; but, in every case where such abuses had been discovered (and perhaps under the best system it would be impossible to prevent them altogether), they had been corrected, and their authors punished. But, in this respect, he did not see what benefit could be derived from a committee of inquiry, or what more could be done than had been already achieved. If it was asserted, that the appointments in the police had been exclusively confined to one party—to Protestants in preference to Catholics—he should say, that the charge was not founded; for, as far as he could learn, there had been no preference given to either party, but those persons apparently best calculated for the duties of the situation were appointed without distinction.

He would now come to another topic,

on which the noble lord had dwelt; but first a word upon the subject of tithes. Upon that important question he would not enter at present; for a measure was in progress in the other House, which, when it came before them, would afford an opportunity of entering fully into it. He would only say upon it for the present, that there were many parts of the system of tithes which required a remedy; but he would assert, that the fears of those who thought that no remedy could be found but in the abolition of the system of tithe altogether, were altogether unfounded. The noble earl then proceeded to show, that the evil of tithes in Ireland arose, not from their amount, but from the abuses in their collection; that, from the manner in which the property was subdivided in Ireland, the collection must be liable to great abuse, and that crying abuses did exist from the exactions of tithe-farmers and tithe-proctors in very many cases: but, that the abolition of tithe altogether would not afford relief to the occupiers of land; that it might afford a temporary relief to the present lessees of farms; but that, eventually, the advantage would entirely accrue to the proprietors of the soil, and that, after a few years, the tenant would have to pay more in additional rent than he now paid in tithe, even at the highest rate. The many subdivisions of land into small farms were, he continued, a source of great distress and misery to the poor farmer. Their lordships should also recollect, that Ireland had no poor-laws. The noble earl here proceeded to contrast the condition of the colonial slave with that of the unemployed peasant, or the broken-down small farmer of Ireland. The former, he observed, was sure of food and clothing, and derived even some advantages from the very caprices of his master; but the poor peasant in Ireland, where there was no system of parochial relief, when unemployed, was a vagrant without a home or any chance of relief, save that which he derived from casual charity. He was as great an enemy to slavery as any man—not only from his sense of the moral degradation of the slaves, but also of that of the master, who must be degraded by the very habits he acquired in the unlimited control over so many of his fellow-men. He therefore would, as an abstract question, wish that it were abolished. The noble earl proceeded to say, that when the erf was separated from the soil,

when he was looked upon as a free being dependent on his own exertions, it was a wise policy to make some provision for his wants, when those exertions were unable to supply them; and, in this view, he considered that the establishment of the poor-laws in this country were productive of more good than evil. From such a resource, however, the poor of Ireland derived no benefit, as she had no general poor-rates; and hence was derived another evil, to which the motion of the noble earl could afford no remedy.

The noble earl next proceeded to take a view of the evils arising from the number of absentees from Ireland. This system—if system it could be called—had, he observed, been productive of many evils, not merely to the absentees themselves in the deterioration of their property, but to the residents, in the want of that care and protection which an extensive landed proprietor would, even for the sake of his own interest if he had no higher motive, afford to his tenants. It also gave rise to a class of men called middle-men, not known in this country; and it was in the very nature of such a tenure of land to diminish the income of the owner on the one hand, and materially to detract from the profits of the occupying tenants on the other. This was an evil which he could not have anticipated at the Union, to any thing like the extent to which it had now arisen; but it was strange, that though Scotland was as far from the place where he then spoke as Ireland, and the Scottish landlord of course as far removed from his tenant as the Irish, yet the same effect was not produced by the Union of Scotland; for the Scottish farmers were without comparison in a much better situation than those of Ireland. Taking these circumstances into consideration, he could not see how far the result of a committee would be likely to remedy any of the evils to which he had adverted.—The noble mover had adverted to the question of Catholic emancipation. He did not see how that question bore upon the motion. The Catholics of Ireland were in a different situation from any country in Europe, where the great body of the people were of a religion different from that of the state. In other countries where the government was Catholic, or where it was Protestant—in those provinces of which the inhabitants differed from the established religion, the property went with the great mass of the people; but

in Ireland, the great mass of property, landed and commercial, was in the hands of Protestants. Taking this for granted, he could not see how the great mass of the people could be benefitted by emancipation; after which, the weight and influence in the country must still attach, in the same degree as before, to property. It might be said, that the measure would be salutary as one of conciliation. He did not see that, except it could make the Protestants become Catholics, or Catholics become Protestants; but be that as it might, this was a question which had been often discussed, and which would be again. It was one which rested on its own merits, and could not be decided by such a committee as the noble earl moved for. He had now gone through all the points of the noble earl's speech, as far as his strength would allow him; and he would say, that whenever any particular grievance was pointed out, it might be the subject of investigation; but he could see no good which was likely to result from such a general inquiry as the noble earl had proposed, and he would therefore oppose the motion.

The Marquis of Lansdown said, that agreeing as he did in many points, of the noble earl's speech, he could not concur in those points, in which the noble earl endeavoured to induce their lordships to refuse the present motion, on the grounds that Ireland was, in many respects, in a prosperous state, and that the evils which did affect it could not be remedied by the result of any inquiry. It was a singular anomaly, that with this asserted prosperity of Ireland, the legislature should, from session to session, be called upon to travel out of the ordinary policy of the country and of the constitution, to keep it in a state of even moderate tranquillity. In admitting the partial success of some of the measures which had been lately adopted with respect to Ireland, he begged he might not be understood as for a moment agreeing, that their lordships ought to suspend their attention from the consideration of those important topics which the situation of that country called forth. He could by no means concur in the statement of the noble earl, that such credit was due to England for what he was pleased to term her unbounded generosity to Ireland, and the great sacrifices she had made to improve her condition. It was strange that, with all that was said to have been done

for that country, with all the loyalty and attachment and devotion to the constitution for which she had got credit, it should still be found necessary to keep up an immense military force to ensure that tranquillity which it was at the same time asserted that there existed no disposition to disturb. Surely there must be some hidden cause—something radically bad, either in the people or in the mode of governing them, that of all the blessings and benefits conferred, none of them should be absorbed, as he might say, into the system; but that they should all slide off without producing any visible impression. He was disposed to admit the good that had been done to Ireland; but, when the noble earl talked of generosity and of sacrifices in allowing Ireland to bring her produce to our market, he could think of it only as an act of justice done to one part of the country, for the general benefit of the whole. In the same manner should he view the privilege of allowing Sussex to send its superabundant corn to the markets of Middlesex.—Then, as to the freedom of Ireland from taxation. She was, indeed, the most free from it of any other part of the empire; but the cause was obvious—she was the most impoverished; and there was no process of alchemy, by which any treasury could extract money where money did not exist. Severe measures had been tried in Ireland to raise taxation: they had been found ineffectual. The more the taxes had been increased, the less productive they were found, and they were in consequence abandoned. This was not generosity, but common justice.—The noble marquis then proceeded to contend, that the policy of this country for centuries towards Ireland had been unjust and oppressive; that the population of Ireland still increased, and would increase; but it would depend on future measures, whether that increased population should be a source of apprehension and irritation, or a source of strength and security to England. He would admit that some of the measures recently adopted were calculated to improve the condition of Ireland. He particularly alluded to the tithe-composition act and the police act. They were well intended; and though they had not succeeded to the extent expected, yet they had been, in many cases, successful. With respect to the former measure, he had before expressed his approbation of it. He had hailed its introduction by the Irish

government, as a measure calculated to put an end to a system which, for so long a period, had been productive of the greatest evils to Ireland, and he trusted it would be successful. There were some parts of it to which he objected, but the principle being once established, he trusted that the day was not far distant when he should see a general commutation of tithe in Ireland.—There was another subject to which the noble earl had adverted, and which at all times required the most serious attention of their lordships—he meant the administration of justice in Ireland. Surely their lordships would not deny, that there must be something bad in the system of government in that country, or in the administration of its laws, when they found so many persons—not merely the owners of large landed property, but persons of middling and small properties—leaving that country to seek (he was going to say an asylum, but he would say) a residence elsewhere. By the way, he would here say a word as to one of the effects which the noble earl had mentioned of absenteeism—he meant the creation of an order of middlemen, not known in this country. The fact was that this, and the divisions and subdivisions of land into small farms, were caused by a want of capital among the farmers to manage large portions of land. But, to return to the administration of justice. How did it happen that, practically, this unequal administration of justice was felt? And, when he mentioned the unequal administration of justice, let him not be understood as casting any imputation on the learned judges of Ireland, by whom it was administered in the superior courts. No set of men could discharge their duty more impartially; and, if it were not invidious to mention individuals where all did their duty, he would name the learned judges of the court of King's Bench, and most particularly the learned and very excellent individual who presided in that court—who were particularly distinguished for the most strict and impartial administration of the laws, and for making the people sensible of their benefits. But, though great credit was due to government for their selection of persons to fill the higher offices in the administration of the laws, they were not equally successful (he did not impute it as blame to them) in the choice of those by whom the subordinate situations in the administration of

justice were filled. He particularly alluded to the management of the police. The noble earl had himself admitted, that great abuses had been committed by persons connected with that department. It was most true, and greater than was imagined. He had had a communication from a gentleman who stated, that in one county where the assize had just terminated, it would have been a maiden assize but for the outrages of some police-officers. This case was so flagrant as to attract the notice of government. The government sent four king's counsel to conduct this prosecution at the assizes; but so deeply were the family who were the prosecutors persuaded that they would not obtain justice, through the means of the counsel nominated by government—so convinced were they that it was not the *bonâ fide* intention of government to procure them an impartial trial, that they actually subscribed amongst themselves a sum which enabled them to obtain the assistance of an eminent counsel, Mr. Wallace, upon whose speech and showing it was that the verdict was procured. He did not state this circumstance for the purpose of implying anything like remissness on the part of government, or that justice would not have been obtained through the means of the counsel whom they appointed, but merely as showing, that there existed a rooted opinion among the poorer classes of the people of Ireland, that they were persons proscribed and excluded from the pale of the law, and that there was no sacrifice which they would not make, in order to procure a counsel to whom they could give their own instructions, and by whom those instructions would be carried into effect. He was sorry to say that the misconduct of constables, which had been the origin of the trial to which he had alluded, was the subject of very general and just complaint throughout Ireland. He had received a copy of the resolutions which had recently been passed by the grand jury of the county of Roscommon, and which were signed by a member of that House, whom he did not at present see in his place. In those resolutions it was declared, that the chief constable who had been appointed by government, and the persons employed under him, had been the means of exciting disturbances in that county, in order that they might turn them to their own advantage. The grand jury further stated, that the indivi-

dual who was placed at the head of the police was constantly employed in screening the inferior constables from the punishment to which they were obnoxious on account of their illegal conduct. He could, if he pleased, multiply instances to show that the people of Ireland were unable to procure an impartial administration of justice, even in cases where it was the wish of the government that it should be obtained; but he would not occupy the time of their lordships in attempting to prove a fact which was perfectly notorious. In the northern counties many trials for murder had taken place in which acquittals had been recorded; but it was nevertheless true, that the murders had been committed. It had been proved that, in many cases, Catholics had been murdered at night in the open streets, whilst the houses were lighted up; and yet, up to the present moment, it had been found impossible to procure a conviction in a single instance. The result was, that an impression was left on the minds of the Catholic population, that blood had been spilt for which no atonement had been made; and which impression must lead to fatal consequences, whenever an opportunity should arise for future outrage. The police act, which their lordships had passed last session as a means of tranquillizing Ireland, had, in consequence of the manner in which it had been executed, become a cause of fresh dissatisfaction. The remedy had been converted into poison by being administered by improper agents; and the measure not only excited present disturbance, but laid the foundation for those future resentments which, in that unhappy country, were transmitted from generation to generation. He would now say a few words with respect to one of the chief causes of the unfortunate situation of Ireland; namely, the Orange Societies, which it had been not inaptly said, rendered the country unsafe to live in. A learned judge in Ireland, baron Maclelland, had meritoriously exerted himself, to put down the processions which emanated from those societies, and which gave birth to counter-processions on the part of the Catholics. That learned judge, after observing, that the latter processions were as legal as the former, out of which they arose, concluded his address to the grand jury, by saying, "Put down both." He knew that such were the sentiments entertained by the noble earl opposite

and his colleagues; but, the only way effectually to put an end to such processions was, to let it be known, that no person who should take a part in them would be permitted to hold any office under the government. Until the government found courage to adopt that resolution, no good would be effected. Their lordships might make speeches, and flatter themselves that they would find their way into the cabin of the Irish peasant, and afford him satisfaction; but they would overrate the value of their speeches if they did so. If an Irish peasant saw that a Murphy or an O'Connor who had insulted himself, his family, and his religion, was appointed to an office under government, he must either bow down to the dust before his oppressor, or rise in rebellion and commit assassination and other crimes. He thought it was incumbent on the government to show that they would not allow persons who took any share in Orange processions to hold any thing like office in Ireland. It was also of great importance that juries should be selected from persons of all parties, instead of being, as was now generally the case, composed of Protestants exclusively. The noble earl had stated, that government had adopted the suggestion which had been thrown out by a right hon. friend of his (sir J. Newport), and intended to establish a commission of inquiry on the subject of education. He did not think that the establishment of such a commission would be the best means of attaining the object which they had in view. It would, in his opinion, be a better course to act upon the information which they already possessed. What had been the course which parliament had hitherto pursued on the subject of education in Ireland? He would not go back to a date previous to the Union, but would refer to a period so recent as the year 1806. At that time a commission was appointed for the object for which it was now proposed to establish a fresh one. He held in his hand the fourteenth report of that commission, which was the result of the investigations of men eminently qualified for the duty to which they had been appointed. Nothing, however, had been done by parliament, in consequence of the fourteen reports of this commission. When, therefore, he stated, that the reports to which he alluded contained many most valuable suggestions which had never, in any one instance, been attended to by government,

he thought he was justified in looking forward to the prospect of a new commission with little hope of a successful result. He would wish government at once to sanction the endowment of Catholic schools. It was repeatedly urged as an objection to such a measure, that Catholic clergymen had a fundamental objection to placing the Scriptures in the hands of the common people, unaccompanied by any note or comment. This subject had been adverted to in the fourteenth report of the commission of 1806, to which the names of four members of the established church in Ireland were attached, and a very valuable suggestion was then made with respect to it. The suggestion was, that selections should be made of the most important parts of sacred history, together with the precepts of morality contained in the Scriptures, and the examples by which they were illustrated, which should not be liable to the objections which the Catholic clergymen entertained against the indiscriminate perusal of the Scriptures. That valuable practical suggestion had been totally disregarded. If a selection of the nature suggested had been made, and submitted to the Catholic hierarchy for their approbation, and that approbation had been obtained, it would have been the means of establishing a system of instruction calculated to carry the light of knowledge into every part of Ireland. It had been said that the Catholic clergymen were inimical to education altogether. He was bound to declare from his own experience, that that was not the case. But, if there were any foundation for such a charge, what could be more useful for friends of the established church than to bring the question to the test? Those persons who wished ill to the Catholic clergy could not take a more effectual way to injure them in the opinion of the people of Ireland, than to show that they were the enemies of instruction. The predominant feeling of the Irish people was a desire to obtain information. He thought that the labour of the noble earl opposite would not be lost if he would read the reports which had been made by the commission of 1806, and which contained a great deal of very valuable information. Above all, he recommended the expediency of admitting both Catholics and Protestants to a common system of moral education, without reference to particular religious tenets, in which their pastors might in-

struct them. The noble earl had said, that the particular manners of the country had led to many of the evils which afflicted Ireland; but the noble earl was not to be told, that manners were created by laws. It was the duty of government, therefore, to mitigate, as far as possible, the evils which those laws had produced. He thought his noble friend had laid a sufficient ground for a committee to inquire into the operation of the existing laws, and to suggest such measures as might be best calculated to promote the happiness and tranquillity of Ireland.

The Earl of *Limerick* agreed with much that had fallen from noble lords on both sides of the House; but he felt it his duty to declare his concurrence in the opinion which had fallen from the noble earl at the head of his majesty's government, that no benefit could result from the appointment of the committee. With respect to poor-rates, they would be very agreeable to the Irish peasants; for they would never work if they could obtain support without it. The establishment of a system of poor-rates in Ireland would only create six millions of beggars.

The Marquis of *Downshire* strongly pressed upon their lordships the necessity of an inquiry into the state of Ireland. One of the great faults in Ireland was the absence of a middle class, and the too great distance between the proprietor and the tenant of the land. This intermediate disadvantage the progress of education was calculated to remove. Religious distinctions had also had their powerful weight. From the Catholic population education had been long withheld by the system of the government. The unfortunate operation of such a system was not calculated to last: its only effect was, to create ill blood and consequent tumult. He hoped that an ameliorated plan of government would speedily remove evils which all good men concurred in deploring. He pointed out the remarkable fact, that in the north of Ireland the police and coercive acts were not brought into action, although they were in the south. In the latter, more attention ought to be paid to the component parts of the public establishment, and also to the situation of the people over whom these bills were called into action. In conclusion, he should express a hope that the increased interest taken in the affairs of Ireland would cause to be transferred thither a portion of that capital which was to be found in such abund-

ance in England, and which might call into activity those natural advantages which Ireland possessed in so eminent a degree.

Lord Carbery said, that, living in a country unhappily subject to the Insurrection act, he could assert, in opposition to what had been said by the noble marquis, that the Insurrection act was felt to be the greatest benefit to the country by all the gentry and residents. Education was making rapid strides in Ireland, and though a few Protestants were zealous in making proselytes, the Protestant gentry in general were careful to avoid any attempt of the kind; and even in many places where there were Protestant children, Catholic school-masters were appointed. The Bible certainly was a *sine quâ non*, and he hoped he should never see the time when a British parliament should exclude it from their schools. Let them look at Scotland, where the people had learned to read the Scriptures. A great part of the difficulties of Ireland arose from the excess of population beyond the means of employment. This evil was not to be remedied by one or two legislative measures; and as he saw no benefit likely to be derived from the committee, he should not support the motion.

The Earl of Roden said, it was an imperative duty on the Irish gentry to reside in their country, and by their presence and example to rescue the people from degradation and ignorance. When a motion respecting Ireland was brought forward in a calm and dispassionate manner, as it had been that night by his noble friend, it would do much good by affording noble lords connected with Ireland an opportunity of stating their opinion of the causes of the evils under which it laboured. He could not concur, however, in the sentiments of the noble lord, that the delaying of Catholic emancipation was one of those causes. If emancipation were granted tomorrow it would not remove the evils; it could not, he was sure, root out the ignorance of the people. The ignorance that was to be deplored was not the ignorance of what passed in their lordships' or the other House of parliament; nor ignorance of the inflammatory speeches of the Catholic delegates in Dublin. It was ignorance of the sacred truths of God's word, which enjoined obedience to the law of the land—an ignorance which left them the tools of party—the easy dupes of the designs of demagogues, fomenting the pre-

judices which had been handed down from their forefathers, and which represented, that the object of the British government was to enslave and degrade them; while, in reality, there was no country where freedom was more enjoyed, or where a more complete spiritual thralldom was exercised. It was emancipation from their ignorance and superstition that was wanted by the people of Ireland. Where the Scriptures had made their way, as well among Catholics as Protestants, great good had been done. He spoke from a resident knowledge of Ireland; and on the subject of education he could truly say, that there never was a time when all classes of the people were so eager to receive the elements of education, and when the middling classes were so ready to afford them. In proof of this general disposition, he quoted the report of the Sunday School Society in Ireland, which had established 1,640 schools, educated 12,000 children, and was supported, not by public money, but by voluntary subscription, unaided by the Catholic clergy, who were in general (there were some few exceptions) hostile to the education of their flocks. In the Sunday schools, the Scriptures formed the basis of the education conferred. The noble lord then enumerated the different Sunday schools in Ireland, the rapid progress of education which resulted from them, and the number of Catholic children who were ready to partake of their system of education: the sum total was 349,306 children, 164,745 of whom were Roman Catholics. In his view of the state of Ireland, he was ready to admit, that proselytism ought to be avoided in the education of the people, although it was a matter of great importance, that, in the spirit of the reformation, they should by all fair argument oppose the errors of popery. He then contrasted the difference between the people of Scotland and Ireland, and pointed out the advantages which education had conferred upon the former. After adverting to the tithe commutation and police bills which parliament enacted in a former session, and of the principle of which he approved, he regretted that the state of the country required the application of coercive measures; for, whether it was the triumph of the Orangemen or that of the Ribbandmen, they were alike outrages which must be put down, before the tranquillity of Ireland could be restored, or the English capitalist be induced to commit his property into such hands. On

a late occasion, he knew that a contest had arisen out of these party triumphs which ended in bloodshed, and the magistracy required strong measures for their suppression. As to the recent trial at Cavan, he believed the mind of the judge was impressed with the conviction, that the prisoner alluded to, was not the individual who had been engaged in the act which led to that trial. He should oppose this motion, because he thought it more calculated to exasperate than to mitigate the evils which afflicted Ireland.

The Marquis of Lansdown explained, that he had never impugned the verdict of the jury at Cavan. He only stated that a murder had been committed, and no punishment ensued. With respect to the Catholic clergy, he had stated, that they were, as far as his experience went, friendly to education, where they were confident there was no view of converting their flock.

Lord Clifden thought the system of proselytism which the noble lord had recommended, was contrary to the great principle of the Christian religion, to do to others as you would that others should do unto you. The Catholic priests were afraid of the attempts at conversion; and well they might be. The essence of the penal code was forced conversion. It was not a principle of the Catholic religion to allow their flock to read the Scriptures; and he did not see that it was justifiable to force them, under such circumstances, into their hands. He was happy to see that Mr. Peel, Mr. Goulburn, and other members of the government had stated that the object was, to instruct, and declare, that all plans inconsistent with this object should be discountenanced. In opposition to the noble earl who had last spoken, he thought the pacification of Ireland could never be hoped for, until Catholics and Protestants were placed upon a footing of perfect equality, and until they ceased to treat six millions of people as idolaters not to be believed on their oaths.

The Earl of Carnarvon said, that every speech they had heard had shewn the necessity there was for the committee. Who would say, judging from those speeches, what were the evils of Ireland, or what remedy could be applied to them. Every one agreed that evils existed. They were told by one noble lord, that the cause of those evils was, that the farms were small, and not laid out according to the plan of

Arthur Young. Another said it was the ignorance of the peasantry; and one noble lord, no mean authority, recommended as an universal panacea the introduction of a poor-rate. Upon this, another noble lord had said, "A poor-rate! not only will it do no good, it will complete the ruin of Ireland." Lastly, a noble earl had found the remedy in proselytism. These were the remedies which had been proposed. But then again, their lordships were told, that the measures in progress were of such a nature as to prevent any necessity for inquiry. The conclusion he drew from all these extraordinary statements was, that there were no measures either adopted or in progress, or even in contemplation, calculated to heal the wounds of Ireland. The only consolation he drew from all he had heard that night was, that ministers had gone too far to recede. Their present measures would not do any good; but they had placed them in a situation to compel them to follow those measures up by others better calculated to relieve the miseries of Ireland, and restore her to that tranquillity, without which there could neither be security nor permanent prosperity for England. There was one point which had been pressed by his noble friend near him, and evaded by the speakers on the other side, as if it were of no moment, but which he was convinced would shortly force itself on the attention of their lordships. He was convinced that the government must, with a fixed and steady attention, determine to ameliorate the condition of a country, which presented the astonishing spectacle of a large population being compelled to support the church establishment of a small minority. A Protestant establishment had, without any previous means of conversion, been forced upon the people by a violation of the treaty of Limerick. He admitted that the church establishment in Ireland ought to be supported; but he denied the necessity of maintaining it upon the present unequal scale. The real difficulty was, how to attach the people of Ireland. From what he had seen of them, he would say, that a more generous, active, and noble-minded people never existed. If well-treated, they would be a bulwark to this country; but if ill-treated, a source of constant weakness. Now was the time to make Ireland really our friend. The noble earl had talked of boons granted to her; but, what were they? She had for centuries been ill-treated and

plundered; and now a little of what was her own was given back to her. If their lordships looked to the state of Europe, they would see that there was danger all around. With Ireland at our side, we might defy all the powers of Europe: and with Ireland for our enemy, the weakest power would be a formidable opponent. He should vote for the motion of his noble friend.

The House divided: For the motion, 17; against it 57: Majority 40.

HOUSE OF COMMONS.

Thursday, April 8.

MANCHESTER GAS-LIGHT BILL COMMITTEE.] Mr. *Curteis* moved, that the resolution of 2nd June, 1774, declaring it a breach of privilege to affix to a petition signatures or marks not the writing of those whom they purported to come from, be read. Which having been done, he next moved, that the minutes of evidence taken before the committee on the Manchester Gas Light bill, be laid before the House. He said, it might excite surprise, that, as he was unconnected with Manchester, or with the bill, he had submitted the motion which he now made. It was true, that he was totally unconnected with Manchester, or the Gas Light bill, or the St. Catherine Dock bill, or any other of those projects, to which he should not be at a loss to apply the proper term, and which he hoped would all meet with the fate they deserved. He allowed, too, that the motion would have come with a much better grace from the noble lord who was chairman of the committee on the bill, or from the hon. gentleman (Mr. Stanley), who was a member of that committee, and who had, on the subject of it, delivered a speech which showed that he would be an honour to the House, and an advantage to his constituents. His object was, however, to preserve the respect due to petitions, by preventing the scandalous practices from being repeated, which had been disclosed on the committee. They had heard of an automaton chess-player; and, if they suffered these practices to prevail, they might have an automaton signer of petitions. The hon. member proceeded to read a part of the evidence, to shew the extent to which the practice of annexing false signatures to petitions had proceeded; and concluded by moving, "that the minutes of the evidence taken before the committee on the Manches-

ter Gas Light bill, be laid before the House."

Lord *Stanley* said, that, as chairman of the committee, he should be the last person to object to the production of the minutes of evidence taken before it. He could not help thinking, however, that if the hon. member had done them the favour to attend the committee, he would have seen ample reason for not bringing forward his present motion. He objected to the motion on no other ground, than that it would be extremely inconvenient, if the time of the House were to be taken up in considering matters which had passed before a committee, unless it could be shewn that some substantial public benefit was likely to result from it.

Mr. *B. Wilbraham* admitted, that it would be proper to discourage the practice of improperly annexing signatures to petitions. At the same time, it was hardly possible to prevent it altogether in large and populous districts, and petitions were not generally, on that account, to be considered as at variance with the sentiments of the great majority of those whose signatures were annexed to them.

Mr. *Grenfell* thought it would have been more proper in the hon. mover, if he had abstained from characterising the St. Catherine's Dock bill as a job, until that measure was brought regularly under discussion. The hon. member seemed to take a most extraordinary distinction between northern and southern petitioners, as if every petition that came from the north must be a job, while every southern petition was necessarily fair and orthodox.

Mr. *H. Sumner* thought the subject deserved the serious attention of the House. He hoped that the persons who were charged with these practices would be brought to the bar, and if proved to be guilty, committed to Newgate.

Mr. *W. Peel* thought it extremely questionable whether the evidence taken before the committee ought to be laid before the House. If it were, he was satisfied the consequence would be, that not one but four or five individuals would be sent to Newgate. The committee had adjourned their proceedings in mercy to those individuals, and not with any view of saving themselves trouble.

Mr. *Philips* thought it quite unworthy of the House, that their time should be occupied in examining evidence, to ascertain whether an Irish weaver had annexed a number of signatures to a petition, the

Irish weaver had admitted candidly before the committee, that he had done this; but he had declared, at the same time, that he had done it innocently.

The motion was negatived.

USURY LAWS REPEAL BILL.] The order of the day, for going into a committee on this bill, was moved by Mr. Serjeant Onslow. On the question, "That Mr. Speaker do now leave the chair,"

Mr. *B. Cooper* said, he had examined with the greatest attention, all the arguments which had been advanced in favour of the repeal of these laws, and his opinion of the impolicy of such a course still remained unaltered. The only arguments he had heard in support of the proposition, were these; first, that as the laws were not now generally enforced, there was no necessity for their continuance: secondly, that other countries were not subject to these laws as we were; and thirdly, that the present rate of interest, of from $2\frac{1}{2}$ to 5 per cent was sufficient to satisfy any money lender. Now, with respect to the first of these arguments, he must be permitted to say, that the mere infraction of a law was no argument for its abandonment: and, besides, it was the duty of the government of the country to see that the laws were not violated. With respect to the second argument, namely, that other countries did very well without these laws, he was inclined to think that this would not be found to be the case; for they did, to a certain extent, exist in all countries, and had done so from the earliest times. It was true that they were abandoned in France during the French revolution, but they were again revived under the Code Napoleon. Holland had been cited, on a former occasion, as an example; in which country it was stated, that the rate of interest varied from two and a half to thirteen per cent. He could only say, if that were the case, he was at a loss to know who would like to live in such a country with such a state of things? It had been contended, that these laws were introduced under the Jewish dispensation, at a time when very erroneous notions prevailed on this subject; but it was well known that they were in practice amongst the Greeks and Romans. A strong impression existed amongst the Romans as to the necessity of some laws on this subject. Different opinions had at all times existed in this country on political matters. Conflicting notions had been

entertained as to the extension of trade, or the truth of particular maxims in political economy; but the Usury laws had been uniformly deemed necessary. He hoped the House was not so firmly attached to the principles of unrestricted freedom in trade, as in this instance to be ready to bow down before their favourite idol, and remove all the remaining barriers and restrictions in money transactions. He had heard all the arguments which had been advanced in favour of the proposition, and the more he examined them, the more steadfastly was he attached to his own. He therefore felt it his duty to move, "That the House will resolve itself into the said committee on this day six months."

Mr. *Davenport* seconded the amendment, and maintained, that the repeal of these laws had been considered injurious in all ages. He thought the report which had been drawn up on this subject was a mere skeleton, compared with the magnitude of the question. The question lay in a small compass, and it might be brought before the House in a very few words. It was simply this—"Are we, or are we not, to give up the money-market to adventurers and speculators?" The situation of one class of men—the British merchants, who were the pride and stay of this country, and the admiration of Europe—would be altogether altered by this measure: for instead of embarking their capital in merchandize, they would turn to the more profitable pursuit of money speculations. In his opinion, the repeal of these laws would be productive of the greatest discord amongst families, and would break asunder the bonds of social intercourse. He therefore implored his majesty's ministers not to give their assent to a measure which was fraught with such injurious consequences.

Mr. *Leslie Foster* said, it was one question as to the policy of having originally adopted a system of Usury laws, and quite another, now that they had been so long in use, whether they should be repealed. For nearly three centuries, the country had gone on under the present system: it has been raised to the most exalted state of prosperity; a greater mass of capital had been accumulated than ever before was possessed by any other state, and a far greater quantity of relations had arisen in the nature of debtor and creditor, than were to be met with in any other country. The question which chiefly pressed on him

was, the effect which the actual operation of this measure would have on a large body of landed proprietors. In Ireland, he was convinced the measure would have a most baneful effect. A majority of the landed proprietors in that country would, if the bill were carried, be placed in a most hazardous situation. There were many of them whose titles were not of that certain and decided character which, under ordinary circumstances, would induce money-lenders to advance loans on them. The most numerous class of creditors, in Ireland, were judgment creditors; and, even on comparatively small estates, there would sometimes be twenty, thirty, or forty creditors of that description. By the law now in force, the borrower was protected to a certain degree; but if it were repealed, the creditor would have a right to deal with his debtor on any terms he pleased. There was hardly a landed proprietor in Ireland who would not be compelled to pay 9 or 10 per cent, either if he borrowed money, or wished to prolong the time at which a loan was to be repaid. As the law now stood, there was but little temptation for a creditor to file a bill against the person to whom he lent money; but, let the present measure once be carried, and the hope of extorting 9 or 10 per cent would give rise to constant litigation. When suits were commenced, the only hope of the debtor was, that some person would stand in his situation, advance the money to the lender, and take in return an assignment of the debt. But, no man would do that without seeing the title-deeds of the estate. This would be an intolerable grievance; for, in many instances, it would be most difficult to make out titles; and frequently it would lead to very unpleasant discoveries. The measure would, to a certainty, raise the rate of interest in Ireland, from 6 to 8 or 10 per cent. Now, was it not a very strange argument to induce the House to entertain a measure which they never can recal, because, forsooth, at present the rate of interest was unusually low? Why, the very term "unusual" implied that it was not a natural state, and that there was no security for its continuance. Even in England the possessors of land, although perhaps not driven into the court of Chancery, would still be subjected to serious inconvenience; for the repeal of these laws would impose upon them greater difficulties than they had ever yet encountered. He would address himself to the

professional knowledge of the learned serjeant, and would ask him, whether very many of the decisions in courts of justice, even in this country (in Ireland it was particularly so), did not relate in common parlance to usurious transactions. Of Ireland he could speak in an especial manner. There was a proceeding in equity commonly known by the name of "lease and loan," the meaning of which was, where a loan of money was made at the legal interest, but accompanied by a bargain greatly to the benefit of the lender. A number of these bargains had been set aside; and there were many more which had never been investigated, but which might at some future time occupy the attention of the court of Chancery. Now, suppose, after this measure should have passed, a bill were filed, impeaching a transaction which had taken place twenty years ago, he should like to know how the court was to deal with a case of that kind? [Mr. Serjeant Onslow said, the bill was merely prospective.] — He (Mr. L. F.) really could not even guess, how such a case could be determined. If the House now repealed these laws, it would be contrary to all principles of justice, to deprive a large class of persons of their estates, on account of its previous misconception, that there was any thing wrong in usury. But, at all events, it would be necessary that the bill should speak plain language; and, with all his objections to the measure, he certainly should, if no one else did, propose a clause rendering valid all antecedent usurious transactions. But, what would be the consequences of the proposed change? Suppose a man, in the month of March last, had entered into an usurious transaction, he, perhaps, would be involved in ruin, whilst he had before his eyes the more enviable condition of his neighbour, who had postponed a transaction of precisely a similar nature till the month of June. If this were purely a *res integra*, he was not prepared to say that he should approve the system of Usury laws; but it was impossible to form an idea of a state of things more different than that of originally framing a set of laws, and proposing to remodel a system, under which a variety of interests had grown up. He was quite persuaded the result of this measure would be serious mischief to both countries; but if, unfortunately, the commercial interests should preponderate, and the measure should

pass, in mercy to Ireland, he fervently hoped that country would be exempted from its operation. She possessed, comparatively, but very little capital, at least much less than she ought; and he trusted they would give her the benefit of standing by for a time, until it was seen how far the system would answer. In the bill which had been introduced by the learned serjeant, by a strange kind of novelty, the kingdom of Ireland was mentioned as a country distinct from England; and upon this occasion he should gladly avail himself of the distinction.

Mr. *Robertson* thought, if this measure were carried into effect, it would have a fatal influence on the prosperity of the country; but he principally wished to call the attention of the House to the superficial views in which it had originated. He had heard adduced, in support of the proposition, the production of *Jeremy Bentham*, in reply to *Adam Smith*; and he had heard, with astonishment, that work described as one of the ablest works that had proceeded from the head of man. He wished to direct the attention of the House to the evidence adduced before the committee, with a view to shew the kind of authority upon which the measure had been recommended. The first witness to whom he wished to refer was the late Mr. *Ricardo*. He was asked, "Has your attention been called to the laws which restrain the rate of interest?" He answered "Yes." "Have you that experience, to say, or have you perceived whether those laws are beneficial or otherwise?—I think otherwise. In what respect do you think otherwise?—It appears to me from the experience I have had on the stock exchange." In fact all the experience which Mr. *Ricardo* had at that time was got on the stock exchange for he was not at that time a member of that House. But he went on; "It appears to me that, upon all occasions, those laws are evaded, and they are disadvantageous to those only who conscientiously adhere to them." But, he would ask, did government borrow to make a profit? Certainly not. Did the landed proprietors borrow with a view to profit? Certainly not. The whole of the error, as it appeared to him, consisted in this; namely, in supposing that money should be placed precisely on the same footing as all other commodities. This was a very great error. Money could not be bought and sold. You may lend

money, but you cannot buy it as you would buy goods. It would be absurd to say, if four bales of cotton were given for 100 sovereigns here, and five bales in Manchester, that therefore the value of money was 15 per cent less in Manchester than in London. Twenty shillings formed the true measure of a sovereign, and they would have no other. It was on this point that the whole argument failed—in not considering money as distinct from every other commodity. It was said, that the usury law was framed to prevent the lending of money at an exorbitant interest. This was not the case. So far was it from being the case, that when the usury law was enacted, the lending of money was not contemplated by the legislature. When the law was passed not one word was said as to the lending of money being the cause which rendered it necessary. The law when enacted in Henry 8th time, set forth, "that no person should take, in payments of wares, merchandise, or by mortgage of lands, above the rate of ten pound per centum by the year." Not a single word was said about the lending of money. The law was intended to remove a scourge which bore most severely on the country. The custom was, at that time, when persons purchased goods at a certain given sum, and were not able to pay for them afterwards, for the creditor to say, "You must give me a high rate of interest, or you must go to gaol." History did not inform them what effect this system had had on the country; but if it had been continued the consequences must have been fatal. That act had met with the approbation of sir *Thomas More*, the chancellor of Henry 8th, and he had no doubt that it operated beneficially. The hon. gentleman then proceeded to animadvert on the work of Mr. *Jeremy Bentham*. He contended that the gentleman had not an adequate knowledge of the subject; and that therefore his opinion should not have any great weight in the scale. The bill now before the House proceeded on theory, instead of experience, which was a most erroneous course. They had had the experience of the present system during a period of three centuries; and if that were not sufficient, they could turn their attention to other countries. Of this he was quite sure, that the landed interest of England would be placed in the most perilous situation, if these laws were repealed. The effect of this unrestricted

system on landed proprietors had been well described by sir John Malcolm in his late publication on Central India. He stated, that the agriculturists there paid a set of usurers their debts before the landed proprietors received their rents. Speaking of the cultivation of central India, sir J. Malcolm observed, "That the rich Bankers were mixed up in the petty details of even the smallest villages. They found the seed for the agriculturist, who was not able to purchase it; and they made a claim, equal to fifty per cent, on agricultural produce." He further stated, "that this system of robbery was found by our government to be so pernicious, that they sent out surveyors to correct it. Their instructions were, to direct their attention most particularly to the practice of lending out money at this exorbitant rate, and to put an end to it." The mischief, in these cases, did not so much affect the rich capitalist as the lower classes of society. If an unfortunate poor man wanted money, he was sure to get it, by promising 40 or 50 per cent. The consequence was, that he soon became the victim of his own imprudence, and was ruined. At present, this could not be the case, because he was protected by the existing law. In China, the people were so oppressed and aggrieved by the practice which was now contended for, that it was at length settled by an imperial edict, that the creditor should not seize on the body of the debtor. It was said, "if you lend money, it must be at your own risk. The property of the debtor is at your service, but his body you must not touch." Let gentlemen look to the state of Rome. Whilst she was free, during the whole period of her being a republic; in the days of her greatest glory, this was her scourge, this it was, that kept down the energies of her people. They all knew what the power of a dictator was in Rome: and that that power was first created by the feuds and dissensions which were consequent on a system of usury. The ascension of the sacred Mount by the people was occasioned by the evils which originated in a widely-spread system of usury. And, from similar evils it was, that sometimes, when the enemy was at the gate, the people could not be induced to go forth to meet them. Even Cæsar, on his return from Spain, was so occupied with concerns arising from proceedings of this description, that he was unable to leave Rome.

And, if such were the consequence of allowing an unrestricted trade in money in the Roman Empire, he could see no good reason to suppose that the same events might not happen in this country. The monied interests would soon sway the destinies of Europe, and now was the time to avert the evil: for it might not be in their power to repeal this bill, if it should become necessary, at a future period. With these views, therefore, he should certainly persevere in his opposition to the measure.

Sir *Henry Parnell* said, he did not believe the House would refuse to concur with him in opinion, that the hon. member who had just sat down, had expressed most extraordinary doctrines, not only in respect to the usury laws, but to the whole science of political economy. He had been, at first, at a loss to account for the sentiments of the hon. member, and for the confidence with which he informed the House, that Mr. Ricardo knew nothing of political economy, and that Mr. Bentham was equally ignorant of the subject of the interest of money: but the difficulty he felt had been completely removed, so soon as the hon. member made it known to the House that he had studied the principles of political economy in the preambles of statutes of Henry the eighth and Elizabeth. When the hon. member referred to such authorities, it was no longer a matter of astonishment to him that he disputed the opinions of Mr. Ricardo and Mr. Bentham, and opposed the bill now before the House. The hon. member had not only told us, where to look for principles to govern our judgment, but had also favoured us with his advice, as to the best way of obtaining a knowledge of the facts that bore upon the question. He had passed over all the civilized and industrious countries that were similar to our own, and desired us to look at once to central India. He had said, there were no usury laws there, and that extortions and frauds were the consequence. But the hon. member had wholly overlooked the dissimilarity between central India and Great Britain in respect to civilization, opulence, and morals; and he had himself told us that central India was the worst-governed country in the world, whilst he paid the highest encomiums upon the government of this country.

Besides the extraordinary manner in which the hon. member had quoted prin-

ciples and facts, little had fallen from him in the way of argument against the bill, nor had the other hon. member who preceded him done more than go over the same course of objections which had before been submitted to the House. His hon. friend, the member for the county of Louth, had repeated the assertion, that the effect of the repeal of the usury laws would be, to place the landed debtor in the power of the monied creditor, and consequently that he would have to pay a higher rate of interest for money on mortgages than the present rate. This was a doctrine so much at variance with all common notions, and with every day's experience in matters of dealing for the use or loan of any commodity, that it was impossible to comprehend how any man's mind could form such a notion. Those who advanced it, gave no explanation of its *modus operandi*: they let it rest on mere assertion, and, in point of fact, it amounted to nothing more than a speculative conjecture, founded upon no sound principle, and supported by no facts whatsoever.

Another conjecture was, that the present low interest of money was accidental and could not be relied upon as the fixed state of the money world. But this opinion was of the same character as many more that the opponents of the bill advanced; it was the result of a complete ignorance of the nature and causes of interest. This was proved to be the case by the arguments used in support of it. It was said that the low rate of interest depended on the plenty of money in the market, and that whenever a scarcity of money occurred, the interest of money would rise. But the interest of money did not depend upon the plenty or scarcity of it in the market. It depended wholly upon the rate of profit to be made by the employment of capital in trade and manufactures; and as this rate of profit, though not fixed, did not change suddenly, the interest of money would not be subject to successive fluctuations. If gentlemen would consider on what numerous dealings, on what an extent of capital and competition, the average rate of profit must depend, they would be disposed to allow the accuracy of the statement now advanced. But, so long as hon. members really knew nothing about the nature and causes of interest, and so long as they would take no pains to learn them, but preferred to adopt and repeat the say-

ings and notions of a system of economists, that was formed before any knowledge existed on the subject, they would continue to oppose their own interests, and to contribute to perpetuate the evil effects of the usury laws.

The hon. member for Cheshire had appealed to the experience of three hundred years to justify the laws: but this experience would lead to a result directly opposite to that of the hon. member; for no man can deny that they have been wholly useless in securing a single object they were intended to gain. On the contrary, they had led to all sorts of fraud and extortion in money-dealings, and encumbered all the operations of fair trade and industry. Another hon. member had spoken of the general principles of trade, as something which had been the offspring of fancy, for the mere amusement of political economists, and an idol to which they were ready to sacrifice all wise and salutary institutions. But, while the hon. member shewed that he did not comprehend the nature and meaning of these general principles, he had set forth a charge wholly uncalled for, and unfounded. The general principles of trade were certain principles, which had been drawn from the patient examination and consideration of facts, by men of the greatest knowledge and science. They were founded upon the undisputed truth that the labour and capital of a country will be most usefully employed, and lead to the greatest extent of valuable productions, when they were left wholly unfettered by legislative interference: and they had for their object, the increase of the wealth and of the civilization and enjoyments of mankind. They were not, at this time of day, depending for evidence of their utility upon the opinions and writings of individuals, but the value of them was every day attested by the complete success that uniformly attended those measures which were the most faithfully founded upon them. There was no case in which general principles were more applicable than in the case of the usury laws: for, of all the inventions of mankind to obstruct the operations of industry, the fixing of a value on money, and the prohibition of loans, was the most operative and ruinous.

In respect to the consequences which the hon. member for Louth had foretold of the repeal of these laws in Ireland, it appeared to him, that he had drawn his conclusions from very ex-

aggregated statements, and that he formed a very incorrect opinion of the extent to which Irish estates were encumbered. The difficulty of making out titles was equally exaggerated; for there existed nothing in respect to Irish titles to occasion any particular difficulty. All estates in Ireland were held under grants of the Crown, made after the forfeitures in the course of the seventeenth century; and it was generally supposed, that the law for registering all deeds in Ireland, gave assistance to the making out of all titles. But, the whole case of the hon. member rested upon assuming, that the lenders of money had the power of fixing the rate of interest upon it: and upon the supposition that the value of the article called money is regulated by different principles than the value of all other commodities. But this is a doctrine so wholly unfounded, and so generally abandoned by every one who had inquired into the subject, that it was unnecessary to dwell further upon it in order to expose it. The certain effect of repealing the usury laws in respect to Ireland, would be, the giving of a fit encouragement to the owners of capital in England to send it to Ireland, and, in this way, the measure promised to be of the greatest advantage to that country.

Mr. Curwen said, he was not disposed to interfere with the existing laws. No desire had been expressed on the part of the public for their repeal, and where it was possible that such important interests would be hazarded, he preferred the safer course of abiding by experience; he was also afraid that the proposed alteration would give rise to an immense deal of money-jobbing.

Mr. Sykes said:—I rise, Sir, to take this opportunity of expressing my opinion on a subject confessedly of the greatest importance, and on which the most surprising misconception still prevails; as well as to answer some of the extraordinary sentiments of the hon. member for Grampound (Mr. Robertson). I cannot, indeed, pretend to follow that hon. member through the wide field of argument which he has taken, both on this and on a former night, to defend the usury laws; he has sought for examples and doctrines both in the polished and barbarous states of antiquity. The laws of Greece and Rome have been ransacked for his purpose; and we are gravely told, that we ought to limit the rate of interest of

money because the virtuous Brutus was of that opinion. If, however, the hon. gentleman had gone a little deeper into the subject, he would have seen that the Roman law was constantly evaded, and that the cost of that evasion fell upon the debtor; as ever has been, and ever will be, the case.

But the hon. member has not confined himself to the classical regions. He has "surveyed mankind from China to Peru," or rather, "from Peru to China;" for I think it was in the mazes of the celestial empire that the hon. member left us last, after having extricated all the authorities which the emperor of China, or Lima, or Thibet, could supply. But, not content with relying on these enlightened authorities, he has occupied no inconsiderable portion of time, in impugning the contrary doctrines of the most distinguished political economists of modern times. He has told us that our late revered and lamented friend, the member for Portarlington, and that most original and profound writer, Mr. Bentham, who, happily for science, still survives, knew nothing of the subject of economics: that the first was ignorant of the theory of money, and the second had but a limited conception of it. Sir, I will not waste the time of the House with defending the character of either. The hon. member puts his authority in opposition to theirs and in this situation, I leave him. I will leave the hon. member in one scale, Mr. Ricardo and Mr. Bentham in the other, and call upon the House to say which kicks the beam. Having thus disposed of the hon. gentleman and his authorities, I would wish to address myself to the House on the question of the usury laws, considered in the two-fold aspect of their honesty and their policy. And I cannot but think it very remarkable, that no hon. member has ventured to say, that the statute which limits the interest of money is just. Indeed, it would be a bold assertion in any one to say, that whilst the borrower is free to make any bargain he pleases in the commodity in which he deals, the lender is to be subject to a law which confines him to take 5 per cent for his money, whatever the value of it may be. The landed gentleman may say, "I will raise my rents up to the exigency of the times; I will sell my corn or my cattle for any price which the state of supply and demand will enable me to obtain; I will be fettered by

no shackles in the disposal of my property, but, when I want money to improve my estate, or for any other purpose, I will insist on paying 5 per cent and no more for an accommodation which may be of double that value." Now, I ask, whether this be just fair or honest, and can the country gentlemen of England famed for these qualities, claim to be placed in such a position.

But I presume that those who are not bold enough to defend the usury laws on the ground of justice, will assert their policy and say that there are some blessed effects of expediency which outride all the rules of honesty and fair dealing, and make that law admissible, as useful, which cannot be defended as just. In answer to this, I feel no difficulty in saying, that the inexpediency of these laws is as evident as their injustice, that they are peculiarly injurious to that class which they are supposed most to benefit: and that they have not the poor recommendation of utility to counterpoise their injustice.

To put the House in possession of the effect of the present system as it regards the landed gentlemen, we must suppose the market rate of interest to exceed the legal rate: for it is only under such circumstances the law has any operation. In this state of things the borrower must either go without his loan, or he must give to the lender, for the use of his money, what it is worth. It surely cannot suit his convenience to forego the accommodation which he seeks, and he cannot expect to borrow at 5 per cent what the lender can make 6 or 7 per cent of, in some other contract. But the law says, that no more than 5 per cent must be taken at the expense of forfeiting treble the sum borrowed. Under these circumstances, some mode of evading the statute must be resorted to; and the usual one is that of annuity, by which the borrower binds himself to pay 10, 12, or even 14 per cent for money, which, had the parties been unfettered by any law and permitted to arrange their own contracts, he might have had for 6 or 7 per cent. I need not remind the House of the consequences of this mode of borrowing money. They are legible in the history of many of the once opulent proprietors of estates in this country. I have known gentlemen of large unincumbered estate in fee simple who unable, through the operation of the present law, to borrow money at money's worth, have had recourse to a loan by way

of annuity at 10 per cent, and thereby plunged themselves in inextricable difficulties. In short amongst the many instances I have witnessed of annuity transactions, I have never seen any thing but ruinous consequences, where the transaction has been to a large amount. Not that I would argue against any system from separate individual facts: but here the facts flow in one continued current of authority, all confirming the theory which reason had already established. The truth is, that country gentlemen do not know their own interest. Happy, indeed, would they be, in the language of the Roman poet, "*sua si bona norint*." But they have somehow misconceived the situation in which they stand, and supposed, that if it were not for the usury laws, the lender would demand and obtain any terms of interest he pleased. How they can fall into this error is quite surprising, when they now see that all the united efforts of the capitalists cannot raise the interest of loans to the legal interest of 5 per cent. Now, if it were in their power, when the market rate of interest was at five to raise it to any height they pleased, I ask, why they do not now raise it to five when there is no statute to prevent them? The fact is, that the value of money fluctuates like every other commodity, and no law can restrain it. Like the element from which the term "fluctuation" is borrowed, it will ebb and flow, according to the state of supply and demand, and as long as the waves of the sea obey the law of planetary attraction, so long will the value of money continue to fluctuate according to the varied wants of borrower and lender.

The hon. member for Grampound distinguishes money from all other commodities, and says it cannot be bought. Where the hon. gentleman learned this doctrine, I am at a loss to imagine. I believe the hon. member is a merchant and if so, his own experience must have taught him, that he is every day buying money: for he who sells any commodity buys the money which he takes in exchange. Buying and selling is but the exchange of equivalents; and when money is exchanged for goods, either may be said to be bought or sold. The hon. member has also pressed upon the House, the authorities of distant and ancient territories in favour of usury laws, and I hope that he will go along with me to states and times of more modern date, and of nearer proximity.

He will find, that neither in Holland nor France does any effective law against usury prevail. In the Low Countries interest is generally low: but it is always varying, and that without the least inconvenience to the parties dealing with each other. In France, the laws for regulating the interest of money were abolished at the revolution, and though again renewed by the code Napoleon, they are now evaded without the least difficulty. In Livonia, Baron Storch tells us, that the empress Catherine reduced the legal rate of interest from 6 to 5 per cent, the market rate being 6 per cent. Now mark the consequence, immediately the value of money on loan rose to 7 per cent, the lender not being content with 6 per cent as heretofore, because he was liable to a penalty for contravening the law; and he charged an additional one per cent to indemnify himself against this risk. This example from Russia appears to me to prove the whole case. It gives us the fact, and at the same time tells the reason on which it is founded. What was true of Russia in or about the year 1780, is true of England at the present day; the same shifts are practised to evade the law, and the expense of doing it falls on the borrower, who cannot obtain his loan without indemnifying the lender against all risk.

But, Sir, if we are to have a regulated interest, I ask why is that to be fixed at 5 per cent? Is there any magic in the number 5? I know that it is a favourite number with ministers, and that we have five millions of sinking fund, and five times ten millions of annual taxes; but I have yet to learn why 5 per cent should be the favorite number for the interest of money. Indeed, the old notion of prohibiting the taking of any interest seems to me to rest more on principle, than that of the moderns, who, admitting some interest should be taken, would limit it to 5 per cent whatever may be the real value of the use of money. I remember reading of an honourable member of this House, who in the time of Queen Elizabeth, when the act of Henry 8th for limiting interest to 10 per cent was revived, stated in his place, "that it was not the amount of interest that constituted the crime, but that the taking of any interest was a vice most odious and detestable, and contrary to the word of God, and that all lending for gain was a damnable deed in itself, and was no more to be compromised than theft or murder." Now,

this is at least intelligible language, and though had it been my fortune to have sat in this House in the reign of Queen Elizabeth I will not pledge myself to say I would have voted with the honourable member, still I find more of principle in his way of putting his case, than in that of the hon. member for Gram-pound. Mr. Wilson, for that I think was the gentleman's name, rested on Scriptural authority, and on the religious prejudices of that age: But the hon. member rests his proposition upon no authority, and in the nineteenth century, amidst all the lights of reason and experience, defends the usury laws upon the practice of Rome, China, and central India.

Before, I sit down, Sir, I would say a few words on the abuse which has been lavished on capitalists. If we were to trust the representations, of honourable gentlemen who have argued for the usury laws, the lender of money is a greedy cormorant who would swallow up the borrower, if the law did not interpose a shield between them. How far that is true, the preceding argument has, I hope, sufficiently explained. The truth is, that borrower and lender stand in a relation of mutual and equal necessity. And with respect to the advantage which arises to the country from those who, either by fortunate speculation or industrious habits have realized wealth or capital, I surely in these enlightened days need not detain the House. It is capital that gives the stimulus to labour, and hence arise all those arts, improvements, and inventions, that add to the convenience of life. In fact, capital is not only the stimulus to, but the measure of labour, which cannot go beyond the funds supplied by the accumulation of wealth.

The evils of the usury laws as they affect the landed interest are equalled by those which arise in mercantile transactions: but I have not touched on the latter, because I am conscious that there are many other honourable members in this House better qualified to trace the mischief of the law as it operates in the dealing of merchant with merchant. To them I leave this part of the question, and set down with returning thanks to the learned mover of this bill, and promising him my best exertions in support of it.

Mr. Lockhart declared, that he had no intention of attacking the money-holders; for, independent of the respect which he personally entertained for many of them,

he knew the power which they already possessed, and the still greater power which the bill before the House, if carried into a law, would invest them with. He was no enemy to general principles, but he always required to be shown that the principle asserted was a true one. For instance he required to see something like a very sound principle in the present case, before he could feel himself warranted in repealing laws which, as they stood, produced not the smallest grievance. Besides, in admitting any principle, he begged to say, he always would admit it with qualification: for, as the philosopher of old had said, "give me a principle and I will move the universe;" so there were disputants to whom give a principle, and let them carry it far enough, and they would shake the whole constitution of society. The existing laws had been acted upon, and experience proved, that the prosperity of the country had not been interrupted by their operation. He apprehended that the effect of their repeal would be, to throw the capital of the country into the hands of the few; and who could foresee all the evils that might result from such an occurrence? The hon. gentleman proceeded to defend the references of the hon. member for Grampound to distant countries and to former times; since they went to prove clearly, that various nations, at various periods, had been sensible of the mischiefs growing out of usury, and had been compelled to enact laws against it. He repeated, that the had no intention of offending the capitalists; but the sure consequence of permitting usury, was the accumulation of money in the hands of a few; and it was impossible not to see, under such circumstances, that the worst use was likely to be made of it. The whole people of England had been in favour of the laws now sought to be repealed. Every act, from the time of Henry 8th downwards, which repealed any former act upon the subject as not being sufficiently restrictive, set forth, in terms—that it was passed because restraints upon usury were found to be beneficial. One thing gratified him, however; and that was, to observe, that this bill had not been taken up as a cabinet measure. No minister had undertaken to espouse the cause of it as a minister. It appeared as if they were disposed, as in the case of the Catholic question, to leave every gentleman to vote as he might please upon it.

Mr. Philips remarked upon the prepos-

terous hostility to the supporters of the measure shown by its opponents, because the arguments of the former were supposed to be drawn from the science of political economy. Those who opposed the bill did it mainly on the ground, that the existence of the present laws was favourable to the landed interest. He would suppose, for argument's sake, that it was so. Now, what reason would that form for a continuance of the laws? Why should the laws particularly favour the landed interest? Was it not just and politic that the interests of the tenantry, of the farmers, and the agricultural labourers should be consulted. Then, upon their own showing, why not fix a legal *maximum* for the rents of land, and for the price of produce, together with a *minimum* for the wages of agricultural labour? But it was a mistake, to assume that the laws were beneficial to the landed interest. Let the House look to the tenor of the evidence before the committee. Mr. Sugden, whose experience in conveyancing was very considerable, had said, that while money was at from 6 to 8 per cent during the war, the landed interest seldom failed to pay between 10 and 14 per cent by way of annuities. The solicitor of the Bank of England had given the same kind of testimony: so had sir Samuel Romilly, than whose opinion there could be nothing more decisive. The land-agents too must be admitted to be tolerably good witnesses on this question. Now, Mr. Wakefield, a gentleman of extensive practice, confirmed that opinion by many particular cases. In one case, a gentleman wanted to borrow money on a fee-simple, without incumbrances, of the value of 200,000*l.*; it was not even entailed; yet he could not raise any at 5 per cent. The same witness remarked, that he had hardly ever known a landed proprietor to raise money upon annuity without nearly ruining his estate. The merchants and bankers concurred in the same sentiment. In short, the proof was all one way, namely, that the landed interest were injured by the existing laws.

Mr. Attwood said, that he agreed with the hon. member for Hull (Mr. Sykes), who had observed, that this question ought to be decided on the ground of its justice rather than of its policy; a view of the subject, which had rather strangely been lost sight of in the course of the debate. But, first, as regarded the question of policy, and the influence of the present law on particular interests, he dis-

agreed on this point, to some extent, both with the hon. member for Hull, and with many others who had spoken on the same side. He did not think with them, that the law, as it at present stood, was injurious to the landed proprietors, considering them as borrowers of money. He believed, on the contrary, that the present law was, to some extent, advantageous to that particular class, and enabled them, at certain periods, to borrow money at a lower interest than, without the aid of the law, they must have paid. It had given them this advantage during the scarcity of money which existed in the late war; and was calculated to give them a similar advantage, in the event of another war. Those who argued differently, said, it is not in the power of any law to fix an arbitrary price for money, any more than for commodities and property. Such laws, said they, will be always evaded, and men will obtain, and do obtain, notwithstanding such laws, the fair value of whatever they have to dispose of. Now that as a general maxim, was undoubtedly true, but, like all other general rules, it was to be understood by a reference to particular circumstances. People would be disposed to evade all such laws, but they would calculate the amount of the penalty; they would calculate the risk of detection; and unless the price which they could obtain, were sufficient to cover these, they would be content with the rate which the law should allow; and if the penalties were heavy, if discredit were thought to attach to a breach of the law, in such cases many persons, and probably the majority, would remain within the pale of the law, whatever advantage offered itself as the reward of going beyond it. The laws against usury had, no doubt, been evaded during the last war, by means of the system of lending on annuity, by many of those who lent money on land. But it was not sufficient for the hon. member for Hull, and for the hon. gentleman who spoke last, to cite particular and detailed instances of such evasion; the question was, as to what extent the law had been evaded; whether that evasion was general, not whether it had taken place in particular instances: and the fact, he was persuaded, would be found to be, that with respect to loans on land, the evasions of the law had been partial, and that the law had been in general submitted to. The evidence of Mr. Preston had been referred to, to shew

that the usury laws had been evaded, by means of lending on annuity; but if that evidence was examined further, it would be found, that Mr. Preston estimated (and a more competent opinion on this branch of the subject could not be given), that there had not been, during any period of the late war, a greater amount than one million advanced on annuities secured on land in any one year; and that the whole aggregate of such loans, existing at any one time, had never exceeded seven millions; and Mr. Preston would be found to have estimated further, that a fourth part of all the land of England was under mortgage. Thus, then, the law was evaded to the extent of seven millions, and submitted to, to the extent of many hundreds of millions; for all that was lent on mortgage was lent at the legal rate. But little weight, then, was to be given to these particular instances adduced of evasions of the law. The right hon. president of the Board of Control stated the case of an individual, who having the best and most undoubted landed security to offer, had been unable to obtain money on mortgage at the legal rate, and had been compelled to pay an annuity interest of 10 per cent. To what then did this amount? One man on good security is compelled to pay 10 per cent for money, whilst other men on security no better, obtained money at 5 per cent; the same commodity, of the same value, in the same market, and at one and the same time, differing in value by one half.— That was an unnatural state of things, and was effected by the interference of the law; except for the law, there would have been no money lent on good security at a rate so high as 10 per cent, nor any lent at a rate so low as five per cent. One uniform rate would have existed, of perhaps 5½, or 6, or 7 per cent; and the result of the usury law therefore had been, that whilst that portion of borrowers, who had been unable to procure supplies in the legal market, had been compelled to pay an interest, higher than they would have otherwise paid; another and a much larger number, had, by means of the law, obtained money at a lower rate than they must otherwise have given; and it was plain, therefore, that all that great body, who during the late war had obtained money on mortgage at 5 per cent, had been benefitted by the present law.

But it was, in fact, this very circumstance, relied on by many as the main support of the existing law, which esta-

blished, in a very strong manner, the necessity of its repeal; unless indeed measures were to be openly supported in that House, because they promoted particular interests; and not as they squared with the principles of justice, or as they were calculated to affect the general interests of the community. Those gentlemen who supported the usury laws, as beneficial to the landed interest, argued as though they had established that whatever the landed interest gained in this way, was a clear gain to the country at large. They forgot, that whatever was thus gained by the landed interest, was lost by the monied interest; that whatever the borrower gained, the lender lost; and it remained for them to explain, on what ground it was, either of justice or of policy, that they called on the legislature to interfere between two parties, the one a borrower, and the other a lender of money; to give an advantage to one; at the expense of the other, when they were both alike entitled to the equal protection of the state. Could there possibly be a more striking exemplification of this argument, than had been given by the member for Taunton? Two sons, said the hon. member, receive each his inheritance from their father, one in land, the other in money; the son who receives the land, is left by the law in its uncontrolled use, to lease or to sell, or to dispose of its produce, at whatever rate; the other in possession of money, is controlled by the law. He must pay for the produce of land, whatever the owner of the land is able to extract from him. But if he lend to him his money, it is forfeited if he ventures to take more interest than a certain rate. And, can any man pretend that this injustice between these men, or the classes they represent, is necessary for any purpose of general good? Another argument very much a-kin to this, which had been resorted to by those who defended the law as it now stood, was, that it enabled the government to borrow at a cheap rate, by making government the only party who could legally pay more than 5 per cent interest, thus giving it a monopoly, as it were, of the usurious market. They had been desired to calculate how much the national debt would have amounted to, except for this law. That debt, they were told, must have been increased, by all the additional interest which the government would have been compelled to

pay. But the answer was, if the government are in want of money, let them go into the market, and pay the proper value for money, precisely as they are compelled to do, when in want of cloth, provisions, or any of the materials of war. Let those who contend, that when the government should want money, it would be fit, on that account, to make a law, or to continue one, having for its object to force down the value of money, in order that the government might get supplied at a cheap rate; let those gentlemen proceed somewhat further, and propose that whenever the government should have occasion to make a contract for cloth, a law should first be passed, rendering it penal for any man to sell cloth, for more than a certain price by the yard. That mode of proceeding, would open abundant resources for keeping down a government debt within moderate limits; and it would be a mode of proceeding not to be distinguished from the one recommended, either in policy or principle. They had been told of the wisdom of their ancestors, and that the usury laws were to be approached with veneration, for they had existed from a remote antiquity. Now, their ancestors, whether wiser than their descendants or not, were at least more consistent. They did not confine themselves to statutes for keeping down the price of money. They had abundance of statutes for restraining the prices of commodities, as well as of money. Those old statutes, in particular, of purveyance and pre-emption, those monuments of the wisdom of their ancestors, were founded precisely on that principle so much applauded, of keeping down the expense of the Crown at the expense of the subject. And, let any man shew, if he could, why, in this view of the question, it would not be quite as wise to revive these old statutes, as to continue the statutes against usury. Indeed, the statutes of purveyance and pre-emption, had, in some respects, an advantage over the usury laws. They inflicted no more of loss on the subject, than they gave of advantage to the Crown; they reduced the price of no more than that portion of commodities which was purchased by the Crown; whilst the usury laws, to effect that the Crown might borrow what money it wanted cheaply, went to reduce the price, not of that portion of money only, but of all the money which every lender in the kingdom had to dispose of.

The main arguments, then, which had

been adduced in support of these preposterous laws, resolved themselves into this; that these laws gave advantages to one class of men, at the expense of another class; and that they gave an advantage to the state, as borrowers of money, by an unjust injury inflicted on all lenders of money. It was extraordinary that such arguments could have been persisted in. Those who resorted to them had endeavoured to shelter their opinions under the authority of Adam Smith, and, undoubtedly, if their arguments had the sanction of that eminent writer, they would be entitled to more respect than their opponents seemed willing to allow. But it was not fit that that assertion should pass uncontradicted. The law against usury, which Smith thought advantageous, was not the kind of law which they desired. His authority supported no law the object of which was, to force down the common rate of interest below its natural level, in order to give advantages to this or the other class of men, or to the government in its capacity of a borrower, or on any such ground; and it was surprising that any man who had read a single page of his work, could entertain for a moment such an opinion. His opinion was, that it was desirable to fix a legal limit to the rate of interest, but that such limit should be, not below the natural market rate, but above it. He did not say, as those who refer to his authority have assumed, that when the natural rate of interest was 6 or 7 per cent, it was good to fix the rate by law at 5. When he pointed out 5 per cent as a proper limit, he referred in express terms to a market value similar to the present. When, said he, the common rate of interest is 3 per cent on money lent to government, and 4 or $4\frac{1}{2}$ on money on mortgages, then 5 per cent is a proper limit for the law to fix; by the same argument he would have fixed 7 or 8 per cent as the legal limit during the scarcity of money which prevailed in the late war. His argument, in short, went to this, that it was fit to restrain those bargains by which necessitous or sanguine men sought to borrow money, at a higher than the common rate. He thought that it was for the general good to prevent money being lent to schemers and proprietors, who would make up for a bad security by a high interest, and to direct loans of money rather to the prudent borrowers with good security. It was on this that the question between Smith and Mr. Bentham turned, the latter

maintained that it was for the advantage of a country that encouragement should be given to new projects and to enterprising men; and he was perhaps right.

But, the principal evil of these laws, and one in comparison with which all others were trifling, arose out of their application to the operations of commerce, or rather to that system of credit, on which manufactures and trade of all kinds mainly depended for their extension. To all this system, the principle of these usury laws was so directly opposed, so utterly irreconcilable with it, that it was not going too far to say, that they could not exist together; that wherever these usury laws should be executed, according to the principle they were founded on, there commerce must be destroyed. And it would be readily seen, that such was the tendency of these laws, for the object they aimed at was this, that no man should be allowed to make, by any loan of money, a greater gain than the common rate of interest would allow. But no man would advance his money, in the transactions of credit and business, unless he could obtain by it, a greater advantage than the ordinary rate of interest. If he could obtain no greater advantage than this, he would necessarily withdraw his capital from commercial credits; the ordinary rate of interest might be obtained without the expenses, the hazard, and the labour necessarily attendant on such transactions. The very principle of these laws was destruction of the principles of commercial credit. Then there was the question of their uncertainty, as practically bearing on the existing transactions of commerce. And, to so great an extent did this proceed, that in many of the principal branches of commercial transactions, it was impossible for any man to say, what those laws rendered penal, and what they allowed. In all those transactions, for example, in which both interest was charged and commission; in all those where credit was given for goods, and extended at a higher price charged; in all those transactions where interest was charged on money, a part of which remained in the hands of the lender, whilst the interest was charged on the whole; and those commercial gentlemen who heard him, would well know, how much of commerce generally rested on these operations; wherever these operations were carried on, transactions occurred daily, and no caution could prevent it; respecting which no man could tell, nor

could any lawyer inform him, whether they were subject to the penalties of the usury laws or not. And then came into view the monstrous extent of those penalties, and these were so enormous, that when an individual was told, that it was doubtful whether he were liable to the penalties of the usury laws, he learned by that, that it was doubtful whether he was or was not ruined, how large soever his fortune might be. But, to shew more clearly in what manner these laws applied to the transactions of commerce as actually carried on, he would state to the House one or two circumstances, which would place that in an indisputable point of view. They would find in the evidence given before the committee on these laws, by Mr. Kaye, the solicitor, this case stated—A merchant applied to Mr. Kaye to draw an agreement which he had entered into, by which he was to advance a certain sum of money on the mortgage of a West-India Estate, on condition that the planter should consign to him the sugars which the estate produced, on the sale of which sugars, he was to receive a commission. Mr. Kaye informed his client, that he thought it doubtful whether this condition, the essential part of the agreement, would not be construed to be usurious: he advised him, therefore, to adopt this course—to leave out of the written agreement, every thing relating to the consignment of the sugars, and the commission on them. Now, for what object was this condition to be omitted in the written agreement? It formed the most essential part of the agreement; it formed the inducement on which the money was advanced; it could not have been advanced without. The stipulations as to the sugars, and the commission were still intended to stand as part of the contract: but they were to be left out of the written agreement to prevent legal proof of this part of the contract being attainable. Now, the transaction thus described was, as was well known, very common in the West-India trade. Very much of this trade was founded on transactions precisely similar to this. No man would deny, that this description of transactions, was equally advantageous to both parties as well as to the country. Why, then, were they to be hidden and disguised, concealed from the eye of the law, and carried on under the hazard that transactions like these were to be rendered void, the debt forfeited, the securities avoided, and the lender ruined

by monstrous penalties? It was not on the transactions of this particular trade alone that these laws thus operated. It might very shortly be shewn, that they operated alike on all descriptions of commerce: as it existed in practice, and was actually carried on; and for this purpose he would refer them to a particular case. A case had been tried in the court of King's-bench, in which the question was, to set aside a debt, on the ground that the party advancing the money, had made charges which the law held to be usurious. It was a cause of great magnitude; the debt proposed thus to be set aside, amounted to several hundred thousands of pounds; and the penalties, if they had been applied, would have been three times this great amount. In this cause the parties whose proceedings were impugned, the lenders of the money, brought forward many of the most considerable merchants and bankers of London, for the purpose of proving that the charges which it was said the law held to be usurious were, in fact, the regular and customary charges of London merchants in the general course of their business: the ordinary practice, in fact, of business in London. These merchants, as they described to the court the nature of their own daily transactions, were informed successively by the judge (the late lord Ellenborough), that those transactions were usurious. They were the representatives of three mercantile houses, than whom there were none more eminent for their wealth, their character, and the extent of their concerns, in the city of London. Now, these gentlemen were not aware that their daily transactions bore this character in the eye of the law; for if they had known that, they would scarcely have come forward, without necessity, to submit them in an open court to the judgment of lawyers. One of these gentlemen replied to the judge, that those transactions were such as his house had been daily engaged in since he was acquainted with its business, and were such as they should still continue. And, indeed, this gentleman knew perfectly well, that his own and that all other business, was essentially founded on these transactions. The answer of the judge was "it is rank usury." Here, then, is the application of the law to the transactions of commerce. And let gentlemen consider, then, what was the full import of the information thus conveyed to the principal merchants of

the empire, respecting the nature of their proceedings, as viewed in the eye of the law. They were told that their transactions were usurious, that is, that they were ruinous; that they were subject to penalties, which no fortune, however large, could support; that however great their wealth might be, however honourably it might have been acquired, by however long a period of successful industry, in the eye of the law they were beggars, they were not worth a shilling, their fortune was confiscated, one half of it to the king, and the other half to the informer, as soon as an informer should appear. Need any thing further be said, to show the operation of these laws as applied to the transactions of commerce? But he would mention one other circumstance, in the experience of an hon. friend of his, a member of the House. An eminent banking establishment, of which that gentleman was a member, had, in the course of their transactions, delivered in an account, in which they had made a charge, a part of which, to the amount, he believed, of fifteen pounds, was of doubtful legality. It was doubtful whether this fifteen pounds was not a charge of interest, more than the law would allow; whether it were not usurious, and subject to the penalties of the law. It was some charge of interest upon an interest which had previously accrued; or interest upon a commission which had been previously charged; or something of that nature, he did not precisely recollect what; but its legality, when inquired into, was found to be doubtful. The party against whom the charge had been made, attempted to take advantage of this illegality, and was disposed to apply to the usury law, to enforce the penalties which it had provided. The sum asserted to be illegally charged, was 15*l*. A proper penalty, provided the illegality were established, would probably be thought to be the loss of the 15*l*.; for what reasons were there, that an overcharge in an account of interest, should be placed on a different footing from that of an overcharge on a sale of goods? If the overcharge could be proved, let it be abandoned, or if a different rule must of necessity be established for money, then a penalty of three times the sum overcharged, would satisfy probably the most vindictive justice. That in the present case would have amounted to three times 15*l*. But it was no less than 96,000*l*. to which the penalties amounted in this case

and to the danger of which these parties were exposed. 32,000*l*. was the amount of the debt, they had made an overcharge, if overcharge it were, of 15*l*. They were exposed to the danger of a forfeiture of the debt, and to penalties amounting to three times the money which had been lent. And what course did these gentlemen pursue? They obtained possession of the accounts in which the charge had been made, the Banker's pass-book, and burned the book; thus destroying the only legal evidence which could be given of such a charge having been made. Could it be pretended, that it was fit the law should thus deal with property; or that merchants should be placed in a situation, in which they should be driven to destroy their own accounts, to protect themselves from its effects?

There was however one consideration of an opposite nature, which suggested itself so palpably and plainly, that he felt it necessary to advert to it. If this were the character of the existing law, as it applied to the operations of business, whence was it, that the commercial community had so long and so patiently submitted to that law; that they took so little interest in its repeal, and had failed to offer support to the learned serjeant, whose measures deserved the thanks, not of the commercial world only, but of the country at large. It was because the law was, to a great degree, inoperative. Its very enormity afforded a protection against it. It was not resorted to. Men could rarely be found base enough, to avail themselves of the provisions of this law, or to call for its execution. The manners correct the laws; the virtues of the people remedy the vices of the law. You say that it is necessary you should protect by law the necessitous, the distressed man, the man on the verge of ruin, from the unjust extortion of his grasping creditor. He will not avail himself of your protection; he despises the protection which you propose, and the law which offers it. He may be necessitous and plunged in ruin; but if he were to avail himself of your law, he would be worse than necessitous, he would become infamous. The law therefore remains, generally speaking, a dead letter. As regards trade, it is in reality, what it is not with respect to loans on land, in a general sense disregarded; its character is not even generally known. The worthy alderman said, "the usury law is known, and respected, and obeyed."

Amongst merchants it is unknown, and where known it is detested and abhorred, and set at nought. When called into action, which is a circumstance of rare occurrence, it is by individuals whose character is as desperate as their fortunes, and who have nothing further to lose in either; and sometimes it is resorted to by men who are trustees for the estates of bankrupts, men who think themselves bound to claim for others whatever advantages the law gives them; and suffer themselves to be persuaded by lawyers, that they are bound to do that as trustees, which they would scorn to do for their own interest. But when under these circumstances the law is resorted to, it is then but seldom that it can be executed. Juries cannot be found who will make themselves the instruments of putting in force such monstrous and atrocious injustice. In that cause, some particulars of which he had detailed, the judge told the jury, that the law was plain, that it admitted of no doubts; that the transactions submitted to them were illegal; that they were usurious. The jury, honourable men, men of station and character, declared that they were not usurious, that they were legal; and in that way will juries always act. They will disregard any duty however solemn; they will violate any oath however sacred; but they will not commit the still greater iniquity of stripping men of their fortunes, of plunging them in beggary, without a cause; nor lend themselves to be the instruments of robbery, profligate, open, and undisguised, under the name of law.

And they were laws, such as these, so executed, and so applied; that some thought they ought to approach with respect; they were covered with the rust and the wisdom of antiquity; that they were to be venerated as monuments of the wisdom of their ancestors. Their ancestors, when they originated these laws, did not contemplate the circumstances, nor the transactions, to which they were now applied. They knew nothing of that complicated system of credit, on which an extensive commerce must be founded; commerce had then no existence. Our ancestors made laws, suited in their judgment to the circumstances around them. There existed two classes, and two only, to which these laws could then apply. One was that of the landed men, then, as now, borrowers of money; the lenders were the Jews. The

first class had the making of the laws, the monied man, the capitalist, had then no place in this House. The monied interest it was likely was ill represented here. The borrowers made the laws; and they made them such as, in their judgment, would assist their own interest; and doubtless we should have seen laws which allowed no interest for money at all, which rendered it penal to take any remuneration for the loan of money, if the legislators of that day could have seen their way, to extract his money from the pocket of the Jew, without giving him some recompense. These were the circumstances under which originated laws, now to be applied to the deeply-involved and complicated transactions of the commerce of the present day. Our ancestors meant to regulate, by them, the interests which then existed; and we should best imitate their wisdom; not by a slavish and an imbecile adherence to laws, the occasions of which have long ceased to have existence, but by adapting our institutions and our laws, to the altered circumstances of the times; to the situation in which we are placed; and to the interests which exist around us.

Mr. John Smith said, that he had never heard the arguments on the side of the repeal of the usury laws so well put as they had just been by his hon. friend the member for Callington. He must, however, allow, that he had reason to believe that the proposed repeal of those laws was not viewed with a favourable eye by a great many persons concerned in money transactions. He nevertheless was firmly convinced, that the existing laws were injurious to the landed interest. They might as well endeavour to prevent water from rising to its level, as money from obtaining its real value. The law being unjust was necessarily evaded. He would not travel with the hon. member for Gram-pound into central India; but this he would say, that, practically speaking, there were no usury laws in the commercial state of Europe. In Holland there was nothing like the slavery which the hon. member dreaded of the debtor under the creditor. There was no country in which there was so much industry, frugality, and good conduct in the bulk of the population and so little misery, vice, and poverty; and yet there were no usury laws. He was afraid, however, that, by going further, he might weaken the effect of the excellent speech of his hon. friend the member

for Callington. He would therefore content himself with congratulating the supporters of the bill on the addition which their side of the argument had thus acquired, and would sit down with expressing a hope, that the House would pass the bill now under consideration.

Mr. Alderman *Heygate* said, that the proposed measure was fraught with difficulties, and thus much had even been admitted by the honourable members who were most favourable to it. Even such of them as had concluded that it ought to be adopted, had not denied these difficulties. For his own part, he felt convinced they were so great and so numerous, that they could not be got over. It was necessary, in contemplating this bill, to look at the state of the national debt, and the manner in which it had been contracted—at the existing mortgages on land—at family entails, and other settlements of property. Without taking such a view of the subject, it would be impossible to treat it wisely and justly; and it would be short-sighted in the extreme, to discuss it upon mere abstract grounds. He knew that in these times, when many gentlemen thought, and thought conscientiously, that they had made certain discoveries which had never before been dreamed of, it was an arduous undertaking to advocate the provisions of any ancient law. When those discoveries were backed, too, as in the present instance they were, by the influence of his majesty's ministers, the task became still more arduous. The arguments he had to offer in support of the law as it stood, would, perhaps, have little weight. Still he felt it necessary to express his conviction, that at the present moment it would be inexpedient to alter the existing regulations. No man could enjoy the land of which he was the owner without obeying such requisitions as the state chose to impose upon him. He was compelled to contribute to the support of the poor, to the maintenance of highways, and was called upon for other contributions. Why, then, had not the state a right to say to the owner of money, "you shall receive no more than a certain rate of interest, to be fixed by the authority of the legislature?" As to the question of policy which had been urged by an hon. member, he had to observe, that it had been held in all states to be better that the rate of interest should be low than high, and that it should be fixed. He had no doubt that, but for the usury laws, the

national debt would have been much larger; and although it was easy, in a time of profound peace, to say it would matter little to the country if that debt were larger, he should like to ask how people would like to pay half as much more taxes than they did at present? He was ready to admit, that the penalties inflicted under the usury laws ought never to have existed, and should not continue; and he would pledge himself, if no gentleman better able to discharge such an undertaking should do it, to bring in a bill for the purpose of moderating those penalties, and proportioning them, not to the magnitude of the sum lent, but to the circumstances under which it was lent; and in which alone consisted the crime. The hon. member concluded, by declaring it to be his intention to support the amendment.

Mr. *T. Wilson* declared, that nothing which had been advanced in the course of the discussion on the present bill had, in the slightest degree, altered the opinions which he had formerly expressed against the repeal of the law. He should, therefore, certainly vote for the amendment.

Mr. *John Martin* suggested, that the objections of the hon. alderman to the penalties might be better urged in a committee than in the shape he proposed. He therefore thought the hon. alderman was pledged to vote for the committee, in which, too, the objections of other hon. members might be obviated.

Sir *J. Wrottesley* deprecated the repeal of the existing laws, on the ground that such a measure would henceforth prevent the setting aside of many injurious contracts.

Mr. Serjeant *Onslow* explained, and denied that any of the arguments which had been used in support of the bill had been refuted by the observations of those who were opposed to it.

Mr. *Calcraft* felt called upon to deny the latter assertion. He admitted, that, in a theoretical point of view, he was not prepared to combat the bill of the learned serjeant; but, if it were said, that the very material objection which had been brought against it on behalf of the owners of landed property had been refuted, he would maintain the contrary. The most able speech of the hon. member for Callington (Mr. Attwood), to the talent and ingenuity of which he was not insensible, applied to the commercial interests of the country. If the existing laws did affect

those interests to the extent that hon. member had described them, he was willing that, so far, they should be repealed. But, for the landed interest, he denied that it had been in any way shown that it would not be affected by such a measure. He believed it would have the effect of setting persons who held incumbrances upon landed property to watch the opportunities at which they could raise the rate of interest upon those who were indebted to them. In all countries, and at all times, it had been found necessary to impose restraint upon the passion of avarice, which almost universally prevailed; and it had always been for the advantage of the country where that passion had been interfered with. He denied the assertion, that there were no usury laws in Holland or France. The worst effects had been found to ensue in the latter kingdom, in consequence of freeing the rate of interest; and the law had very soon been altered. In conclusion, it was his firm conviction that, in the present state of the country, it would be highly injurious to change the present laws.

The House divided: For going into the committee 74. For the Amendment 58.

A list of the Majority of 74 who voted for the Speaker leaving the Chair.

Allen, J. H.	Herries, J. C.
Alexander, J. D.	Horton, R. W.
Alexander, J.	Hodson, J.
Althorp, visc.	Hume, J.
Attwood, M.	Huskisson, right hon.
Bennet, hon. H. G.	W.
Benyon, B.	Ingilby, sir W.
Birch, J.	James, W.
Blair, J.	Kennedy, T. F.
Brown, J.	Kerrison, sir R.
Calvert, J.	Lambton, J. G.
Clerk, sir G.	Leader, W.
Colborne, N. W. R.	Lewis, W.
Coote, sir C. H.	Long, sir C.
Dalrymple, col.	Lushington, S.
Denison, J.	Maberly, J.
Douglas, W. K.	Maberly, W. L.
Ebrington, visc.	Macdonald, J.
Ellice, E.	Martin, J.
Ellis, C. R.	Mitchell, J.
Ellis, T.	Monck, J. B.
Ellis, hon. A.	Normanby, visc.
Ellison, C.	North, M.
Evans, W.	Ommanney, sir F.
Fleming, J. S.	Parnell, sir H.
Forbes, sir C.	Peel, right hon. R.
Gladstone, J.	Phillips, G.
Haldimand, W.	Phillimore, J.
Hardinge, sir H.	Plummer, J.

Porcher, H.	Vernon, G.
Rice, T. S.	Vivian, sir U.
Robinson, right hon. F.	Walker, J.
Russell, lord W.	Whitbread, S. C.
Sebright, sir J.	Whitmore, W.
Smith, W.	Wood, M.
Smith, J.	Wynn, rt. hon. W. W.
Smith, R.	TELLERS.
Tierney, right hon. G.	Onslow, Mr. Serjeant.
Tindall, Mr.	Sykes, D.

The House having accordingly resolved itself into a committee on the bill,

Mr. Serjeant *Onslow* said, that there was but one blank in the bill, and that related to the period at which its operation was to commence. That blank he proposed to fill up with the words, "1st of January, 1825."

Mr. *Calcraft* observed, that the hon. and learned gentleman was very indulgent. The hon. and learned gentleman was willing to allow nine months to elapse, before he overset all the money transactions in the country, and placed them on another footing. Surely those who were the most wedded to this change in the law, would nevertheless wish for an extension of the proposed period. He appealed to the right hon. the chancellor of the Exchequer, who had allowed two years and a half before the commencement of the experiment on the silk trade, whether it was fitting that a question of the greatest importance, affecting all the money transactions of the country, should be hurried on at an earlier period than a question affecting only one branch of our trade? He trusted the House would not press the measure on the country before the people were aware of it. He said this from a firm persuasion, that the only reason it had not met with a stronger opposition was, that it was not sufficiently known. Fortunately, if the bill should pass that House, it would stand a good chance of being lost somewhere else.

Mr. *Robertson* re-urged his objections to the principle of the bill.

Mr. *Lockhart* implored the House to consider that, by repealing all the laws relating to the interest of money, they were taking away from the poor the protection which the law afforded them against the extortion of pawnbrokers. At present, that class of money-lenders were restricted from taking above a certain rate of interest: now, if all the usury laws were repealed, they might extort what interest they pleased. Did the learned serjeant contemplate this result from his measure?

If he did not, it was an additional reason for postponing it.

Mr. Serjeant *Onslow* observed, that no bill had ever been more delayed than the one then before the committee. As for the operation of the measure, it would but affect the Usury laws, not the acts respecting pawnbrokers.

Mr. *Whitmore* contended, that the bill would have no effect at all at the present moment.

Mr. Alderman *Heygate* insisted that the landed interest of the country would be ruined by the bill.

Mr. *Leslie Foster* said, that before they were called upon to pass a measure which would subject the landed interest to great injury, they ought to be told on the other hand, how it was proposed to get that interest out of the difficulty.

Mr. *Hume* said, he would refer the hon. and learned gentleman to what had taken place during war time for an answer to his question. At that time the landed gentlemen borrowed money at 10 per cent, which, but for the existing laws, they could have borrowed at 8 per cent. Supposing a war to break out, government would be obliged to borrow at an increased interest as they had done before, and the landed interest must be satisfied to share the same fate. It was not fair that the monied proprietor should have a limit fixed to his percentage, and that the landed proprietor should let his land at as high a price as he could, without any limit being assigned. The fair course of proceeding was, to remove restrictions from all, and to let money be as free as any other article.

Mr. *Calcraft* maintained, that the effect of the repeal would be, to excite competition between persons who borrowed money on mortgage and the government itself.

Mr. *L. Foster* said, it now seemed to be agreed upon all hands, that the landholder would have more to pay for money, under the operation of the present bill, than heretofore. That was an evil for which it did not appear that any remedy could be devised.

Mr. *Davenport* was of opinion, that the bill would prove the ruin of the landed interest, and hoped, as it was patronized by ministers, that they would repeal the stamp duties on mortgages, which, as soon as the bill was passed into a law, would be shuffled about, like cards, from one hand to another.

Sir *J. Wrottesley* observed, that if the

bill should pass into a law during the present year, many persons in the country would know nothing about it, as it had not obtained that full consideration, to which it was entitled from its importance. He was anxious that time should be given for the country to consider and understand it, and to retrace their steps if it should be found necessary to do so. With that view he should move as an amendment, that the blank should be filled up by substituting the year 1826 for the year 1825.

The gallery was then cleared for a division, but during the exclusion of strangers, the hon. baronet withdrew his amendment, and the committee divided on the question, that the chairman should report progress, and ask leave to sit again. The numbers were—Ayes, 57; Noes, 61. Majority, 4. The committee then divided on the question for filling up the blank with the insertion of the year 1825. The numbers were: Ayes, 60; Noes, 59. Majority, 1. The next division took place on the question, that the chairman report progress, which was negatived, the numbers being—Ayes, 61; Noes, 65. Majority, 4. The committee again divided on the question, that the chairman do leave the chair, when the numbers were—Ayes, 72; Noes, 59. Majority, 13. The House having resumed,

Mr. *H. Sumner* begged to put a question to the Speaker. He wished to know whether it was consistent with the rules of the House for the chairman of a committee of the whole House, after he had received instructions to report progress and ask leave to sit again, to remain in the chair and put the committee to the necessity of expressing its opinion a second time, as to the propriety of the House resuming before he left the chair.

The *Speaker* replied, that the instruction of a committee to its chairman to report progress and ask leave to sit again, was merely a declaration of its resolution to proceed no further at that time with the business which it then had under discussion. The chairman was therefore bound to remain in the chair until the question was put and carried "That I do now leave the chair." The first question, namely, "that the chairman do report progress and ask leave to sit again," might be put in order to bring an unpleasant discussion to a close; and in the interval between the carrying of that question and the putting the second question, "that I do now leave the chair," he might be instructed to

report to the House any disturbance or extraordinary occurrence which might have happened whilst the House was in a committee. He conceived that the chairman of the committee had been perfectly in order in not leaving the chair till he had been authorized to do so by the vote of the committee.

Mr. *H. Sumner* confessed that his opinion had been the other way; but he bowed willingly to the authority of the chair.

On the question, that the House do again resolve itself into a committee on this bill on Tuesday next.

Mr. *Littleton* said, he would give the House another opportunity of expressing its opinion on this impolitic bill. He would move as an amendment, that the words "Tuesday next" be struck out of the motion, and that the words "this day six months" be inserted in their stead.

The House then divided upon this amendment, when there appeared. For it, 67. Against it, 63. Majority, 4. The bill was consequently lost.

HOUSE OF COMMONS,

Friday, April 9.

[**LAW OF LIBEL—CASE OF MR. BUTT.**] Mr. *Hobhouse* presented a petition from certain inhabitants of Westminster complaining of the power of commitment for libel before trial, which had been exercised by a magistrate in the case of Mr. Gathorne Butt. The hon. member said, that the power of committing before trial in cases of libel was first given to magistrates by a bill which was introduced in 1808, as an amendment to the revenue laws. By that bill, authority was given to magistrates to commit individuals to prison who were accused of libel by the attorney-general, unless they could obtain bail. That bill passed through the House in four days without observation; doubtless because nobody supposed that a measure which professed to relate only to the amendment of the revenue laws could contain such an important provision respecting cases of libel. The bill went up to the Lords. It happened there that a very acute man, and one who had the good of his fellow-subjects sincerely at heart—he meant the late lord Stanhope—looked into the bill, and finding in it the clause conferring the powers to which he had adverted he drew the attention of the House of Peers to the subject. The bill was defen-

ded by the lord Chancellor and the other usual defenders of such sort of things; and it was opposed by lord Holland and other noble lords, who always took an active part in every thing that regarded the liberty of the subject. They delayed the bill for a time, but were not able to stop it, and it finally passed into a law. The bill was defended by the ex officio defenders of all such things, the lord Chancellor and the late lord Ellenborough. But it was remarkable, that the lord Chancellor declared of it, that it would be a very good bill, with some amendments in the committee. It went through the committee, however, without any amendments; so that the bill, of which its defenders could only say, that it might be a good one, was now on the Statute-book. Lord Stanhope, when he discovered the bill, made inquiries respecting the origin of it in the House of Commons, and no one would own that he produced it. But this act, which gave the power of imprisoning any one who was accused by the attorney-general, or a grand jury, of libel, was not deemed enough in 1817; and, by lord Sidmouth's famous circular, power was given to the magistrates to apprehend and hold to bail, or commit to prison, any one accused of libel, on the oath of any malicious person. An individual might thus be held in prison on a charge of libel, before trial, and before even any bill was presented. He found, under the version of the law, in that circular, that five hundred persons had been imprisoned, nothing like one half of whom had been convicted. Thus any ignorant and malicious person might cause another to be committed to gaol on a charge of libel. He hoped the ministers would take the opportunity of inquiring into this subject; and he assured them, that nothing could more please the country, or do them more credit, than to look over the Statute-book, and sweep away the legacy of odious laws that had been left them by their predecessors. They might surely now purge the Statute-book of those laws; for, whatever was the pretended necessity for them, no one denied that the people were now happy and contented, and persuaded that his majesty's ministers were the very best persons in the world to manage the affairs of the nation.

The petition was read, setting forth, "That it appears to the petitioners, from the principles laid down in the case of Mr. Richard Gathorne Butt, and from the treat-

ment which he experienced on a charge of libel that, a most arbitrary and unconstitutional authority is assumed by the local magistracy to commit to prison, before trial, any person who may be accused, however falsely or ignorantly, of the offence before mentioned; that this doctrine, totally unknown to our ancestors, and highly dangerous to the liberties of the present age, was enforced with unexampled severity in the case of the individual in question, who was committed by sir Nathaniel Conant, the late chief magistrate at Bow Street Office, on such charge, and remained, before trial, forty eight days in the gaol of Newgate, and on his bringing an action for damages, for what he and the petitioners believe to be an illegal imprisonment, the judges of the court of Common-pleas supported the conduct of the magistrate of the police, and contended that such commitment was conformable to the laws of England, which the petitioners can neither understand, nor would they willingly believe; the petitioners therefore request of the House to take into consideration this alleged state of the law, and to provide such remedy for the probability of abuses under it (as is asserted to stand), as may restore to the people the security which the petitioners think they are entitled to enjoy, and to the law itself that reputation which has hitherto endeared it to the nation as the leading bulwark of its rights."

Ordered to lie on the table.

EDUCATION OF THE POOR IN IRELAND.] The resolutions of the committee of Supply were reported. On the resolution, "That 22,000*l.* be granted to defray the expense of the Society for promoting the Education of the Poor in Ireland, for the year 1824,"

Mr. Hume said, that when this resolution was brought forward a few evenings since, it was discussed at so late an hour, that he had not an opportunity of noticing certain speeches which were delivered on that occasion. He now rose to enter his protest against the system which was pursued in the Kildare-street establishment—that establishment which had been so highly praised by a learned gentleman opposite (Mr. North). If the poor of Ireland, who were entirely Roman Catholics, were to be educated, he contended, that the public money devoted to that object ought not to be placed in the hands of the Kildare-street society. That

body were anxious to impart a scriptural education in all their establishments, regardless of the prejudices of the Catholic population. If those religious prejudices did exist in the minds of the Catholics in general, they must preclude them from attending any establishment similar to the Kildare-street society. That position was fully borne out by the statement of the Catholic bishops themselves. He would ask the House, if those prejudices existed—if they made so strong an impression on the Catholics, as to induce them not to send their children to those establishments—ought this grant to be exclusively confined to them? Should not the House take care that the money was so laid out as to enable Catholic children to receive the benefit of education, without having the religious feelings of their parents interfered with? On a former evening he had stated the opinion of two Catholic bishops on this subject. He now held in his hand the opinions of six or seven more, who all stated, that they were desirous to see the Catholic population of Ireland educated, but were unanimous in their disapproval of the system adopted in the Kildare-street establishment. Such was the opinion of Dr. Troy, Dr. Murray, Dr. Doyle, and Dr. Coppinger. If those individuals, who had every opportunity of forming a just judgment, declared that the prejudices of the youth of the country prevented them from approaching those establishments, ought not the House to exert itself to devise the means of giving education to the great body of the Catholic poor, without trenching on their religious feelings? The learned member had argued, the other night, that a scriptural education was calculated to meet and to allay the prejudices of all parties; and he had expressed his conviction, from his own experience, that Catholics and Protestants would, in the course of a short time, be educated together. He seemed to consider it absurd to suppose that any dispute could arise, as to the use of the Bible with or without note or comment: but it could not be forgotten, that a few years ago, a contest on this very point was carried on to a great extent in this country. The Bible societies, at that time, did not receive half the support they would have done, because one party insisted that the Scriptures should be used without note or comment; while the other party contended with equal force,

that the Bible should be accompanied by note and comment. If such were the case in a country like this, where religious animosity was, in a great measure, set at rest—if it were found almost impossible to establish a school in a small community, because one set of persons favoured Bell's system, whilst another adhered to the system of Lancaster; was it surprising, that a greater difference of opinion should be manifested in Ireland, where the great body of the population professed two different creeds? Having taken an active part in the establishment of the Lancasterian schools, before the national schools, or those of Dr. Bell were set on foot, he could speak with perfect confidence as to the difficulties which he had to contend with in procuring support. The question was, whether scriptural education should or should not be given? Those who were friendly to Mr. Lancaster's system, said, "Education is what we have in view; we will teach the children to read and write, but we will not meddle with their religious opinions at all; these we will leave to the guidance of their different ministers." The society of Quakers, greatly to their credit, had been the chief supporters of those schools; and no man who knew William Allen, or any of those individuals who took so laudable a part in the establishment of schools on the Lancasterian plan, could suppose for a moment, that they would introduce any book which was likely to injure the morals of youth. Yet, such was the prejudice of the tory, or the high-church party, that scarcely any support could be derived from them, merely because it was not deemed necessary to give the pupils a scriptural education. After a lapse of ten years, the animosity which formerly prevailed was greatly reduced, and now schools were established, in which both systems were taught with much advantage. But, when he looked back to the difficulties which existed when the Lancasterian schools were set on foot, he could not consider that education could be carried to any extent amongst the population of Ireland, if money were voted in support of a system which militated against the prejudices of the great body of the people. He did not mean to object to the grant. Nothing could be better for the people of Ireland, than to make them sensible of the advantages of education, by raising them in the scale of civilized life. He should, indeed, have

no objection to enlarge the grant, in future years, if the report of the commissioners proved that the money expended had been productive of commensurate benefit.

Mr. *Butterworth* said, that the hon. member was certainly incorrect in his statement, that any controversy had existed in England, whether the Bible should be distributed with or without notes. He applauded the exertions of Mr. Allen, in favour of the education of the poor, and particularly praised his scriptural lessons, introduced throughout Russia, under the sanction of the Emperor. He was of opinion, that to give the poor of Ireland general instruction without Scriptural education, would be the worst and most pernicious thing that could be done. He had seen a petition from certain Roman Catholics, in which it was asserted, that if the Bible were placed without comment in the hands of youth, they might derive impressions from it that would have a mischievous effect on their minds. Now, he would ask, whether the poor of England, who had Scripture knowledge, were less moral than the poor of Ireland who had not? He looked upon the assertion to which he had alluded, as a gross libel on the word of God. How could any person assert, that the word of God was calculated to produce mischievous effects on the minds of youth?

Mr. *Hume* said, he did not wish the population of Ireland to be brought up without religious instruction. Let not that instruction, however, interfere with their religious feelings. The Catholics said, "You attack our conscientious prejudices, and thus prevent us from accepting the boon of education." This declaration was sufficient for his purpose; since it showed, that little good could be effected under the Kildare-street system. With respect to the sentiments which the hon. member had quoted, they merely went to this—"Such are the doctrines taught in the Bible, that if read by children of tender years, without interpretation, they may be productive of mischievous consequences." The Catholics did not say that they would not have the Bible taught, but that they would have it taught in their own way.

Mr. *Grey Bennet* said, it was not fair in the hon. member for Dover to throw out personal reflections, merely because the Catholic clergy professed a different faith.

Mr. *Butterworth* was not aware that he had used any expressions that could be so construed; if he had, he wished to recal them. He spoke as a Protestant wishing to produce a moral generation. If the House were to compare the state of the lower orders in this country and in Scotland, with their condition in Roman Catholic countries, it would not long hesitate in deciding which system of education ought to be preferred.

The resolution was agreed to.

[WESTMINSTER ABBEY.] On the resolution for granting 60,000*l.* for the purchase of the Angerstein collection of Pictures being read,

Mr. *Hume* wished to know whether any arrangement, with respect to the admission of the public to Westminster Abbey, had been made in consequence of what had fallen from the President of the Board of Control, relative to this subject, on a former evening? He understood the right hon. gentleman to say, that within his own recollection, the mode of admission was extremely easy, and the expense moderate; and he had been led to believe, that some negotiation was on foot, between government and those connected with the Abbey, to remove the difficulty of procuring admission which now existed. The public were, in fact, excluded from seeing monuments which were erected at their expense. Those monuments were the property of the public, and certainly were not placed in the Abbey to be concealed from public view. He was anxious to learn what measure had been or could be devised, to give the public full and free access to view them. If the charge now made for admission were an abuse, it ought to be rectified; if, on the other hand, the Dean and Chapter had a right to exact those fees, the public ought to buy their interest. There was an outcry on every side against the Dean and Chapter, for taking money to which they were not entitled. He wished to see all cause for such an outcry removed. Whilst, however, the present system continued, the people would talk; and therefore he called on ministers to make such an arrangement, as would secure to the public those advantages to which they were entitled, and thus put an end to all ground of complaint in future.

Mr. *Ridley Colborne* said, he approved of the grant of 60,000*l.* for the purchase of Mr. Angerstein's pictures, but he did

not think the situation in which they were to be placed was a good one. It would be better if a more central situation were fixed on, where an edifice fit to receive them could be erected. The lease of Marlborough-house would expire in four or five years. That would be an admirable situation for the purpose, and it afforded ample space for the occasion. He trusted that no renewal of the lease would be granted until ministers had considered this suggestion.

Mr. *Wynn* certainly remembered the time when the greatest part of Westminster Abbey was open to the public. At the time to which he alluded a very small number of monuments were shut up, and even those were allowed to be seen for 6*d.* He believed that every part of the Abbey was now closed, and that 2*s.* were charged for admission. He was not however, aware of any redress on that subject. He regretted that the Abbey was shut up; but if the Dean and Chapter had a right over their church, which authorized them to make those charges, he knew not how the executive government could interfere.

Sir *J. Wrottesley* said, that formerly what was called Poet's Corner was open to all. That passage formed a very great convenience to those who had to pass through one part of Westminster. It brought them at once from the cloisters to this part of the town. The whole space between the organ and the western door was open, and the north aisle also. The only part of the Abbey to which individuals could not go without paying an attendant was Henry the seventh's chapel, and that could be seen for the small sum of 6*d.* He begged leave, as he was on the subject, to state what had recently occurred to himself. He had gone through the cloisters towards the Abbey, and there met the verger, who asked, "where are you going?" He answered "into the Abbey." "Then," said the verger, "you must pay 2*s.*" He (sir J. W.) then observed, that, as service was going on, he supposed he might enter the church. "Oh yes, sir," was the reply. He then went to the door of the choir, but the verger, who seemed to know his motive, did not lose sight of him. He turned round to go out of the door at Poet's Corner, when the verger immediately said, "you are not come here for the purpose of prayers, but to make this a passage; therefore you must go out by the door at

which you came in." He looked upon this system of exacting fees as a paltry and scandalous extortion. The whole of those fees were let by the Dean and Chapter, for their own profit. That building which had been the pride and glory of this country for a thousand years could not now be viewed without a pecuniary consideration. The Dean and Chapter dealt out permission to go through this venerable building at so much per head, to add a paltry sum to their salaries.

Mr. *Grey Bennet* would be glad to know whether it was not possible to remove those monuments from the Abbey. He thought it would be a fit subject for inquiry in a committee, whether those monuments, which the scandalous extortion of the clergy of the metropolis prevented the public from seeing, might not be removed. He would vote for their removal. Let a building be erected for them; let them be put up in any place where they could be seen. They ought to be rescued from the hands of that scandalous set of money-dealers the clergy of Westminster.

Mr. *Monck* entertained some doubt whether the Dean and Chapter had any right to exclude the public. Up to the time of the Reformation, our churches were open all day, to allow the people to say their prayers; as was the case all over the continent at present. Nothing, he conceived, could be more shameful than for those persons to turn these public monuments to their own private advantage. It was a scandalous distinction between this and other countries.

The resolution was agreed to.

TURKEY COMPANY.] On the resolution for granting 34,450*l.* for outfit of foreign consuls,

Mr. *Hume* inquired whether the right hon. secretary, or his majesty's government, had turned their attention to the situation of the Turkey Company. When that company was established there might have been reasons for the proceeding; but the question was, whether any reasons could be advanced for continuing it. He knew it might be defended on the ground of chartered rights: but chartered rights ought always to be given with reference to the public good; and so long as they produced public good, they should be continued. But, if this establishment inflicted evils on commerce, instead of effecting benefit, he thought no delay

should take place in changing the whole system. There was one peculiarity in their system which was not to be found elsewhere; he meant the right which they exercised of appointing their consuls. That authority was usually vested in the secretary of state. But here, if an individual complained against one of their consuls, either for an improper interference or of refusing to interfere, he could not get relief from the secretary of state, but must apply to this body.

Mr. *Canning* expressed himself fully sensible of the disadvantages of the present system, and intimated that the earliest opportunity would be taken to improve it.

BUILDING OF NEW CHURCHES.] The House having resolved itself into a committee on the Building of Churches acts,

The *Chancellor of the Exchequer* observed, that he had not anticipated that it would have been necessary for him to have prefaced his motion with any introductory observations, were it not for some remarks that had followed his original proposition, as to the grant for building churches from some hon. members on the opposite side. He confessed he felt not a little surprised at the opposition that was manifested to the proposition, and much more so at the reasons which were given for hostility to the proposed application. That persons who dissented from the doctrine and faith of the church of England—that persons who were indifferent to the religion of the state at all—that such persons should entertain a disinclination to such an application of the public funds was not surprising; but he must own, that in the legislature of a country which possessed a church establishment, and which establishment it was bound to maintain, he did feel considerable astonishment in observing an opposition to a plan, having for its object to afford facilities to the professors of the established religion to attend divine service. To give to the humbler classes of the community such a facility, was, in his opinion, not only unobjectionable, but *prima facie*, a great good. But, of all the objections that it was possible to anticipate, he did confess that he was not prepared for the objection, that to accede to a grant for facilitating the religious intercourse of the professors of the church of England was something almost amounting to blasphemy. He knew that, in legal minds, there

a great difference of opinion with respect to the definition of the word "blasphemy," and he would not undertake to say what its precise meaning was; but certainly it was the first time he had ever heard it said, that the attempt to give religious knowledge to any portion of the people, approached to blasphemy. He knew that that observation was coupled with this statement—that the proposition for building churches ought to be united with the repeal of some particular taxes. If those taxes bore heavily on the community, it might be cited as a proof of inconsistency in the individual, that he refused to consent to their repeal at the same moment that he proposed to build churches. It might even be argued, that it proved something of hypocrisy in the individual; but such reasoning could not form a ground of objection against the proposition itself. No one could deny, looking to the situation in which he, as proposer of the plan stood, but that two objects were placed before him—first to give people an opportunity of attending the service of the church; and second, to remove particular grievances. It might be desirable that those grievances should be first removed; but it could not be denied that practical good would be effected by the course which had been taken; and there was nothing connected with that course which could possibly call for such a remark as that to which he alluded. If this argument were tenable, it would go to deprive the country of an established church altogether; for no established church could be maintained otherwise than at the public expense. The dissenters paid their tithe and their parochial church rate, whether they went to church or no; and if we were to have any established church, that church must take contributions from the dissenter as well as from its own members. The object to be accomplished—the principle upon which the House must proceed—was, not the specific right of the individual, but the general advantage of the community. He thought it impossible that the general advantage of a regular attendance at places of worship could be denied; and, how could the people enjoy this advantage unless churches were built to accommodate them? The objection as to the contribution of strangers, too, was novel; and, indeed, the same principle would go to put a stop to half the proceedings of the House. Parliament had, last year, voted

a sum for the education of the Roman Catholic clergy in Ireland. The English Protestants certainly gained nothing by this grant; but it had not been resisted. Again, 50,000*l.* had been voted for Presbyterian churches and ministers in the Highlands; and no one had complained of that tax upon the members of the established church. He really thought there was nothing whatever in either of the two objections to which he had alluded; but he must say a few words as to the assertion, that the grant demanded was not necessary. The hon. member for Westminster would admit, that if a necessity for the churches asked could be made out, it would be imperative upon government to administer to that necessity as far as possible.

Mr. *Hobhouse*.—To find some mode of administering to it.

The *Chancellor of the Exchequer*.—

Well! he knew of no mode except applying to the public purse. But, the fitness of meeting the necessity being granted, he came to prove the fact; and it would be found, upon inspecting the papers before the House, that in 179 places, containing 3,548,000 inhabitants, there was only church accommodation for 500,000 persons, which was for about one individual in seven, upon the bulk of the population. He admitted, that there must be deductions from this estimate of 3,548,000 souls; some would be sick, or old, or infants, and consequently persons not attending church; but still the amount of accommodation fell far below what was required. And, what was it that left it so far below? Why the increase in population of some parishes, to a degree which, as regarded providing places of worship, entirely overpowered all their means. It was utterly impossible—and the House would find it so—to leave matters in such a situation. Here were people most anxious to go to church, and who, so far as the means were within their reach, had done so, and still did so, with infinite benefit and consolation; and it was impossible to deny them the extended use of that privilege which they felt to be such a blessing. But, honourable gentlemen said—"500,000*l.* will not accomplish this." Why, certainly, it would not do all; but it would do something. It appeared, upon reference to the report of the commissioners for building churches, that the million already granted had done incalculable good. It had been supposed

that it might build perhaps 85 churches, and find church accommodation for 140,000 people; and, instead of that, it had sufficed to build 98 churches, and to provide accommodation for 153,000 people. In fact, the example set by parliament had excited the zeal and the emulation of the professors of the established church; and already more than 200,000 had been subscribed for building places of worship, and further subscriptions might be expected. Those who contended for the inutility of the present grant, had said that the government was building churches into which no one would go when they were finished. But this was a heavy mistake indeed; for, according to the papers before the House, all the new churches which had been built so far, were attended by overflowing congregations. The right hon. gentleman then proceeded to read a variety of reports respecting the state of those parishes in which new erections had taken place. At Blackburn, in Lancashire, half the pews in the new church were let, and the remainder would be let but for the great convenience of the "free seats." The returns, stated, that the attendance was considerable both at the morning and evening service, and that the congregation was steadily increasing. The accounts from the city of Bath were equally satisfactory. From Hawarden, in Wales, the report announced the greatest benefit from the increasing accommodation. At Birmingham, a most populous town, and where, from the nature of the manufactures, a great number of the poor dwelt the communications afforded the highest satisfaction. In Nottingham, where there was a numerous body of dissenters, the new church had been attended by crowds. The free seats, according to the paper he held in his hand, were actually taken by storm. These were facts which demonstrated that the money applied to such a purpose had been well bestowed, and that the effect amply repaid the liberality of parliament. These were manufacturing districts. He should, however, advert to what had occurred in wilder parts of the country, and shew from documents, that even in such places the results were equally satisfactory. In the parish of Ringwood, in Hampshire, a material change had taken place in the religious demeanour of the inhabitants since the new church had been erected. The great body of the people there had heretofore consisted of smugglers and poachers; the Sabbath was con-

sidered rather as a carnival than a day set apart for religious devotion. A great moral change had since been effected. All these results proved, that the good produced was more than commensurate to the expense incurred. It might be objected to him, that if one million thus applied produced so much benefit, why did he stop at a limited grant of 500,000? To that objection he should answer, that did the public circumstances allow an increased grant, he, for one, should say most truly and conscientiously, that such an application of the public means would not be misapplied. He never could believe that the professors of the church establishment were so cold in their attachment, as to deny the means calculated to produce such beneficial results, or that the legislature could, when the religious improvement of the humbler classes was the object, act upon the niggardly principle of stinting such a legitimate exertion. The right hon. gentleman concluded by moving, "That his majesty be authorized to direct Exchequer bills to an amount not exceeding 500,000*l.*, to be issued to the commissioners for building and promoting the building of additional churches and chapels, to be by them advanced under the regulations and restrictions of any acts passed or to be passed for that purpose."

Mr. *Hobhouse* observed, that it was quite unnecessary, on the part of the right hon. gentleman, to state the importance of the subject to which he had been directing their attention. Of that importance the House of Commons must be fully aware. If the fact really was, that any deficiency existed in the country in the means of obtaining accommodation for religious worship, he was sure that it was impossible that any hon. gentleman could be found, who would not assist his majesty's government to the utmost of his power in devising a method of supplying that deficiency. He must also remark, and he was sure the right hon. gentleman would acknowledge the truth of his observation, that in the line which he was about to pursue on this subject, he was treading on very delicate ground. He was not, as had been imputed to him on a former occasion, representing the sentiments of any dissenting class, or of any persons hostile to the church establishment: he was representing the interests, the wishes, and the feelings of his constituents, the people of Westminster; and

he firmly believed, that he was also representing the interests, the wishes, and the feelings of the people of England generally. The right hon. gentleman had expressed his surprise, that any individual could object to such a grant as that now proposed, at a time when the country was so extremely rich as it was at present. Indeed, when the right hon. gentleman opened his financial statement to the House some weeks ago, he seemed quite overwhelmed with the amount of our superfluous wealth, and still more of that which we should possess at the end of four or five years; so much so, indeed, that he had asked the House, what they should do with it. The right hon. gentleman appeared rather perplexed upon the subject; but he could tell the right hon. gentleman, that the people of England would feel no embarrassment whatever in the disposal of the anticipated surplus. The people of England would be very ready, if it were left to them to do so, to point out how to dispose, not only of the 500,000*l.*, the application of which the right hon. gentleman had just moved, but of a much larger sum, if they might be permitted, for the relief of their immediate wants. But it was contended by the right hon. gentleman, that one of the immediate wants of the people of England was religious instruction. Let that be shewn, and he would unhesitatingly vote for the right hon. gentleman's proposition. But the right hon. gentleman had not shewn any such thing. Although he felt the difficulty of the undertaking, he would endeavour to follow the right hon. gentleman through his statement. In the first place, the right hon. gentleman had asserted, that there did not, at present, exist any means of providing for the deficiency in the accommodation for the religious worship of the Church of England. He (Mr. H.) begged leave to say, that there were means in existence; there were certain funds in the possession of the church, which might fairly be applied to that purpose. Of course, he meant that those funds might be applied by degrees to the remedy of the evil; not that a large sum should be taken at once from the church property to be so applied. But, he repeated, that as the occasion arose, there were certain funds belonging to the church, which, in many respects, was highly beneficed, and could well afford such an application. What the right hon. gentleman had said of the

grants to the Scotch Church had no bearing on the present question. Between the grant of last year of 50,000*l.* to that church, and the proposed grant of 500,000*l.* there was no analogy. Had the established church in Scotland any funds which could enable it to afford to do without such assistance? None whatever. If, therefore, it were required to add any thing to the extent of that establishment, the only way in which it could be done, was by a parliamentary grant. But, it did not follow, because there existed a necessity of voting a sum for the assistance of the Presbyterian church of Scotland, which possessed no funds, that it was therefore just or expedient to vote a sum for the assistance of the Episcopal Church of England, which possessed very extensive funds. Would the right hon. gentleman say that the grant was required by any call on the part of the people of England for additional accommodation for the purposes of religious worship? There had been no such call. There had not been a single petition presented on the subject. Would the right hon. gentleman say that any deterioration had taken place in the religious feeling of the country? So far from it, that, according to the right hon. gentleman's own statement, on the occasion to which he had already alluded, the people of England were "a religious people." He (Mr. H.) was convinced that the religious feelings of the people of England had very much increased [cries of hear, hear !]. The right hon. gentleman seemed to think that he (Mr. H.) had fallen into a contradiction. What he meant was, not that the religious feeling of the people had increased, by the building of churches, in consequence of the act of 1817, but that it had increased, during a period beginning much earlier. He was persuaded that the religious feeling of the people of England had materially increased since the beginning of the French revolutionary war. Since that period he was convinced that their improvement, in point of religion and morality, had been much beyond what was generally imagined. Those who had the best means of judging, and who had attended to the subject, all acknowledged the vast improvement that had taken place, especially in the metropolis, where it was least to have been expected. All that improvement, however, occurred without any call for new

churches. It was true that, according to the parliamentary papers, it appeared that since the passing of the million act in 1817, there had been forty-three applications for new churches. That was very natural. When the people knew that a certain sum had been voted by parliament for a particular purpose, it was not surprising that there should be plenty of persons desirous of sharing it. Indeed, forty-three was a very trifling number of applications, considering the number of districts, and the amount of the population in which, and by whom, according to the chancellor of the Exchequer, the want of accommodation was felt. It was alleged by the right hon. gentleman, that there were a great many places in the country, in which the inhabitants were totally without the means of resorting to churches of the national establishment. He (Mr. H.) believed that there might be some places in that situation; and certainly he agreed with the right hon. gentleman, that whenever the people were totally without the means of resorting to churches of the national establishment, something ought to be done to put them in possession of that benefit. But, he begged leave to observe, that the papers on which the right hon. gentleman founded his observations, were not at all to be relied on. In proof of this, he would mention what was the fact, within his own experience, in the city of Westminster. When he had last addressed the House on this question, he had expressed his doubts of the propriety of the proposed grant. Upon going home he had looked at the parliamentary papers, and summed up the number of persons who were stated to be without the means of religious instruction in the city of Westminster; when he found it stated, that in six parishes out of eight there were 133,000 individuals without any church accommodation, he became alarmed, and thought he had acted on wrong grounds, and must eventually vote for the right hon. gentleman's proposition. Thus feeling, he had conceived it his duty to make as extensive an inquiry as time would permit, into the state of the case in the city of Westminster. If hon. gentlemen would have the goodness to turn to the page of the papers which contained the returns respecting the city of Westminster, they would find it stated, that in the parish of St. George's Hanover-square, there was a deficiency for 33,447,

individuals. This was calculated from the population census of the year 1821, including every living being. Of course therefore, there were many individuals in that number, infants, the sick, the lame, the aged, &c. who could not be reckoned among those in want of church accommodation. On the face of the statement, therefore, there was great exaggeration. It should be observed also, by the way, that there were certain churches which, owing to peculiar circumstances, were extremely thronged. The church of St. James's for instance, in consequence of the popular preaching of one of the most exalted members of the Christian church, was so crowded, that any one wishing to engage a pew must expect to wait seven years before he could obtain it. So attractive was the sacred eloquence of the dean of Canterbury, that applicants for seats in that church, were told that their names might be put on the list but that it was impossible to predict when their wishes could be complied with. To go back to St. George's, Hanover-square. On inquiry, he found that that church was quite full, and that it was impossible to obtain a place in it. It appeared however that there were three chapels of ease in the parish. Into the state of those chapels he had made as diligent an inquiry as he could. In the very first he found that here was no want of accommodation whatever. He went to another, and understood that that was full. A third, was not full; at least accommodation might be had in it. It appeared, then, that the church was full, and that one of the chapels was full; that another of the chapels was not quite full; and a third not full at all. It was evident, therefore that implicit reliance could not be placed upon the returns. Hewould go next to St. Anne's parish. The deficiency of accommodation in that parish was stated to extend to 14,215 individuals. He had made a strict inquiry into the amount of accommodation in that parish. It contained no chapel of ease. There were, however, only 1,400 houses in the parish, and he found that there was plenty of room in the church. When, therefore, it was stated, that there were 14,215 individuals unaccommodated, it was evidently a most incorrect statement, and proved that the papers could not be trusted. He would now proceed to St. James's parish. The deficiency in St. James's parish was stated in the papers to amount to 26,319 individ-

uals. It was very true, that the church was quite full. But he had inquired respecting chapels of ease; and he found, in the first place, that in the new church of St. Philip, although it was nearly full, there were seats to let, and that there were several other chapel of ease in the parish, in which places could be obtained. He now came to St. Martin's parish. The deficiency in that parish was stated at 23,752 individuals; but he found that it was very easy to obtain accommodation in the church itself. In the parish of St. Margaret's the deficiency was stated at 20,887 individuals. It was true that the church itself was completely full; but there were three chapels of ease in the parish, in which accommodation could be obtained without any difficulty. In the parish of St. John's the deficiency was stated at 14,839 individuals. In that parish the church was not at all full, and he had been informed by one of the sextons, that even on a late occasion, when a sermon was preached there, which it was supposed would attract a crowd, there was abundant room for a hundred persons. The same person also told him, that he had never heard any complaints of a want of accommodation in the parish. Thus he had gone through six of the parishes of Westminster, and proved, that no deficiency of accommodation existed in any of them; and he understood, that the same was the case in the parishes of St. Paul's, Covent-garden and of St. Clement Danes. There were other points, however, which it was desirable to ascertain. He had certainly found, upon inquiry, that in some of the fashionable churches when any celebrated preacher officiated, those churches were completely filled. The same complaint was however made in the Dissenting chapels. In the parishes, of St. James's Westminster, the Orange-street chapel, for instance, was thronged to excess. But was that any argument for building Dissenting chapels? He had also made it his business to inquire whether, in the city of Westminster, there was any apparent deficiency in the attendance on church worship. Every authority that he had been able to consult on the subject, assured him that there was no such thing. There was hardly a respectable shopkeeper or other householder, who did not go to a place of worship every Sunday morning. It would even be reckoned disgraceful; and he would be pointed at by his neighbours if he did not do so. He trusted,

therefore, that he had proved, that, in the place which he had the honour to represent the want of accommodation represented as existing by the right hon. gentleman, was not at all felt. He would now beg to direct the attention of the House to the probable effect even of the right hon. gentleman's own proposition. He certainly was not one who, because all could not be done that it was desirable to do, would have nothing at all done. But if the deficiency alleged in the paper were well-founded, the proposition of the right hon. gentleman would scarcely amount to do any thing. He (Mr. H.) was willing to allow that there were certain isolated districts, particularly in the manufacturing parts of the country, and in which perhaps many of the parishioners were very distant from the church, in which the erection of new churches might be very expedient. But he was talking now of the general effect of the proposed measure on the country at large. It appeared that the million of money which had already been expended in the building of churches, had only provided for the accommodation of 153,886 persons. The 500,000*l.* therefore which the right hon. gentleman now proposed to vote would only provide for about 77,000 persons. But had the chancellor of the Exchequer calculated the sum that would be necessary to give accommodation to the 3,024,148 individuals, who, according to the papers, were in want of it? If parliament went on providing accommodation for those individuals—and according to the right hon. gentleman it would be proposed to do so by degrees—if he knew any thing of arithmetic, it would cost twenty millions of money. It was a simple rule of three. If to provide accommodation for 153,886 individuals required a million, what would it require to provide for 3,024,148 individuals? The answer was, nearly twenty millions of money. What part of the population of the whole country was 3,024,148? Not one fourth. If the right hon. gentleman's statement was true, and there was a real crying want in the country of religious instruction, it was undoubtedly a matter of primary importance, and parliament must give the money. It was absurd to suppose that accommodation in the churches should not be provided for the people if it were wanted. But, if it would cost twenty millions to provide accommodation for the number of individuals to which he had adverted, it would cost sixty

millions to provide for the whole population of the country. To go on, therefore, building churches in this way would be to embark the country in an expense which nothing but a matter of vital necessity could justify. Before he agreed to vote this sum, therefore, it was expedient to ascertain from the right hon. gentleman, whether he meant to proceed on the present scale? If the want really existed, parliament could not, on the right hon. gentleman's own principles, refuse to provide for it. He (Mr. H.) had before stated, that if the necessity existed, any one who objected to the proposed grant was bound to show how the deficiency might otherwise be supplied. Now, he thought he could find a way of supplying it much less objectionable than the way proposed by the chancellor of the Exchequer. Where could be the objection to institute double services, or, if required, treble services, in the present churches? He could see none. Those who were acquainted with the modes of religious worship on the continent, knew that the churches were open at six in the morning for the purpose of commencing the services of the day. He knew very well, that the difference between the Roman Catholic and the Protestant religion prevented any close analogy between them. He knew that the masses of the former were very short, seldom exceeding a quarter of an hour, and that several masses were celebrated at the same time, in different parts of the church. He still maintained, however, that our churches might open at a much earlier period than at present, and that two services might be performed instead of one, and if two were not enough then three. Of course the individual by whom those additional services were performed, would be entitled to additional remuneration. But that would be a very different thing from taking from the people 500,000*l.* at once; and that, too, on what he must call a speculation. There was also another plan which had been mentioned the other evening by the hon. member for Midhurst. That plan was, that where a community was so large as to be unable to find room in the parish church, they should themselves erect a new building for religious worship, and choose a pastor of their own. There was great liberality in the country, especially on all matters connected with religion; and he had no doubt that there were many communities, who, if they had the opportunity given

them of choosing their own pastor, would acquiesce in this plan. Indeed, such a thing was frequently done as a profitable mode of employing capital. Curzon-street chapel had been built, he believed, by the Curzon family; it was well filled, and answered extremely well. The more genteel the neighbourhood, of course the more lucrative such a speculation became. He had a friend in his eye, who had told him that having lately let a piece of ground for the purpose of building a house upon, he was much surprised to find that, instead of a house, a chapel had been built upon it. What was thus done in a few cases might be done very extensively. He was persuaded that if there was a general understanding that communities would be allowed to choose their own pastors, there would be no difficulty in procuring the erection of as many new places of worship as could possibly be required. There was one danger against which it would be necessary to guard, and that was, lest the congregation of these new places of worship should degenerate into schismatics. Otherwise there would be as many various forms of worship in the country as there were places of worship. What he should propose, therefore, was, that where the community built a new place of worship and as a consequence chose their pastor, he should be liable to the approbation of his diocesan. The bishop of the diocese ought assuredly to have a veto on his appointment. That was his view of the subject. It might appear to some to be illiberal, and to be too favourable to the church of England doctrine. But he owned he was desirous that that doctrine should be maintained; and therefore it was that he wished the bishop of the diocese to possess a veto not to elect the pastor but, if he thought proper, to declare his disapprobation of him. To such a plan as this he could see no objection whatever. The right hon. gentleman had talked of a paltry regard for pounds shillings and pence. He was sorry to hear such language from a chancellor of the Exchequer, and especially at the commencement of his career. Unquestionably the saving of such a sum as 500,000*l.* was well deserving of the right hon. gentleman's attention. To all that was to be added the fact, that no complaints had been made by the people of a want of accommodation. Since he had had the honour of a seat in that House his doors had of course been open to his constituents. He

had received from them all kinds of complaints; there was scarcely an occurrence on which he could lay his finger respecting which some complaint had not been made. There were complaints of acts of omission; there were complaints of acts of commission. But, never had he heard a single complaint of the want of religious instruction. Looking at the subject, therefore, in the point of view in which he had considered it, he was bound in honour and honesty, to propose to the committee the result of that consideration in the shape of several resolutions. These resolutions, which had a strict reference to the facts stated in the paper on which the right hon. gentleman had founded his motion, were as follow:—

“That it appears to this committee, that the sum of one million sterling has already been granted out of the public revenues for the building of churches; and that the number of individuals provided, and about to be provided, with church accommodation by the expenditure of that sum, does not exceed 153,886 persons.

“That it appears to this committee, that a further sum of 500,000*l.* is now required by his majesty’s chancellor of the Exchequer for the same object.

“That it appears to this committee, that in 179 places or parishes only, more than three millions of individuals are stated by the parliamentary returns to be unprovided with church accommodation; and that, according to the rate of the sums already granted, and the accommodation thereby procured, it would cost the nation nearly twenty millions of money to provide for the deficiency above stated in 179 parishes or places only, besides what would be wanted for other parts of the kingdom.

“That it appears, therefore, to this committee, that some other mode than that proposed by his majesty’s chancellor of the Exchequer should be adopted, for providing for whatever deficiency may exist in educating the people of this country in the doctrines of the established church; and that it is inexpedient to make any further parliamentary grant for the building of churches.”

Mr. Secretary Peel felt himself bound to acknowledge, that nothing could be more fair than the principle on which the hon. member for Westminster rested his proposition, and nothing more liberal and more becoming the dignity of the subject than the mode in which the hon. gentle-

man had conducted his argument. The hon. member admitted, and very properly, that the maintenance of the national religion was; and ought to be, the paramount object of the legislature. All the hon. gentleman required was, ample proof of the necessity of making the exertion now proposed. The hon. gentleman admitted, that if the church establishment stood in need of support, he would be one of the foremost in affording it. But the hon. gentleman had endeavoured to reduce the force and weaken the validity of the arguments of his right hon. friend, and it would now be his duty to show that the hon. gentleman had not been successful in that attempt. The first position assumed by the hon. gentleman was, that there was no immediate want of religious instruction; and that it was clear there was not, otherwise there would have been a call for it on the part of the people of England. Now, in the first place, he would observe, that even if the people were indifferent on the subject, that was no reason why they should not be supplied with the means of obtaining religious instruction. But, that was not the fact. Previous to the passing of the act of 1817, applications were made from various parts of the country, calling for assistance. In that year, parliament appointed a commission to superintend the application of a million voted for the erection of new churches, and since that period all calls, which would otherwise have been made on parliament, had been made on that commission. Let not the hon. gentleman suppose that if that commission had not been appointed, calls for aid would not have been made on the House. The hon. gentleman had founded a great part of his argument on the state of the churches, and chapels of ease, in the city of Westminster. It did not appear to him, however, that any conclusive inference could be drawn from the hon. gentleman’s statements on that subject. The hon. gentleman said, that he had never heard a complaint in Westminster of a want of accommodation, and that there was abundant room in the churches and chapels of ease. He would ask the hon. gentleman whether the latter were chapels of free admission? The object of his right hon. friend’s present proposition was, to provide free admission into places of public worship for the poor. If the hon. gentleman had visited only chapels which were attended by the rich, whose pews were frequently

left empty by them, surely he would not thence argue that there was accommodation for the poor? The object of the present grant, he repeated, was to provide the means of free religious instruction and worship for the poor. The hon. gentleman had also mistaken the nature of the returns on which his right hon. friend had argued. They referred only to parishes in which the population exceeded 4,000 individuals, and in which there was a deficiency of church accommodation. In the parishes of Westminster, in which a call for accommodation had not been made, the commissioners under the act of 1817 had expended little or none of the money entrusted to their management. Let the House look at St. Margaret's parish. The deficiency in that parish was stated at 20,887 individuals; yet the commissioners had not expended a single shilling in it. Not being able to supply all the deficient parishes, they had supplied only those the cases of which were the most urgent. In all the parishes of the city of Westminster the commissioners had not provided accommodation for more than 5,000 persons. He was sure the hon. member would not argue that it was impossible accommodation could be needed in Manchester, in Birmingham, in Walsall, because no demand had been made for it in Westminster. And, was it an argument against doing all the good we could, that it was impracticable to do all the good we wished. Was it nothing for parliament to shew a disposition on the subject? Would it be no advantage that even one member of every family should have the means of attending divine worship? If the hon. member would inquire, he would find that the attendance on divine worship of even a single member of a family was highly desirable. It frequently happened, that the profligate and vicious habits of those members of a family who did not attend divine worship, were corrected by the moral and religious habits of a member who did attend; and that the virtuous member of a family, frequently succeeded in converting the criminal part of it. Even where a child of the tenderest year had been brought up morally, it often happened that it shamed its parents from a vicious course of life, and became the instrument of reclaiming them. He could not concede, therefore, that the benefit of the vote should be limited to those to whom it would give the means of obtaining religious instruction. He would draw the

hon. member's attention to a document, which, however, was not on the table of the House, to show that it was not likely the proposed vote would be so useless as the hon. gentleman seemed to suppose. Supposing a parish contained 6,000 persons, and that 1,000 at present attended divine service, it by no means followed, that the remaining 5,000 were in want of accommodation. From that number must be deducted the sick, the aged, and those of tender years. He was not sure that, in every case, the whole number of the dissenters ought also to be deducted. God forbid that in a free country like England any man should be prevented from adopting the system of religion which he preferred. But, where dissenters were dissenters only because there was a deficiency of accommodation in the churches of the establishment, that was another question. Such persons, if accommodation were afforded them, would doubtless attend the service of the established church, and thus the desirable object of diminishing the amount of schism in the country would be gained. He could not, therefore, in his calculation, exclude those who were dissenters, not from conscientious motives, but for the sound reason that any mode of divine worship was preferable to none. On the whole, therefore, he would calculate the probable number of attendants on the service of the church, provided there were accommodation for them, would be about a fourth of the population. That was, supposing there were ten thousand inhabitants in a town, it was not unreasonable to say, that if means were afforded for their attendance in the church of England service, 2,500 would so attend. If that were a just calculation there was certainly reason to hope that the good to be done by voting the sum of 500,000*l.* on the present occasion would not be so remote as the hon. gentleman supposed. Let the hon. gentleman examine the state of some of the large towns. The population of Manchester for instance, was estimated at 187,000 souls. A fourth would be 46,750. There was at present church accommodation for 22,468; so that there only remained 24,282 to be provided with accommodation. The population of Birmingham was estimated at somewhat more than 100,000 souls. A fourth would rather exceed 25,000. There was at present church accommodation for 16,000; so that there remained scarcely 10,000 to be provided

with accommodation. Now, could any one doubt, that with the means allowed, a great portion of those 10,000 might be accommodated? The population of Leeds was estimated at 84,000. A fourth was about 20,000. There was at present church accommodation for 10,000; so that there remained about 10,000 to be provided with accommodation. Nothing could be more fallacious than the hon. gentleman's argument, that if the House were not prepared to vote twenty millions for the purpose of providing church accommodations for the three million and odd who needed it, they should not vote the 500,000*l.* now required of them. Let them do as much good as they could; and he trusted they would with that sum of 500,000*l.* sow seed, which would be productive of an abundant and valuable harvest.—But, the hon. gentleman had asked, “why the services at the present churches were not doubled?” He admitted, that they ought to be so. It was a mode of advantageous co-operation with the grant proposed. But, the fact was, that, in many churches, the services were already doubled and trebled. Nay, in some, there were as many as five services in a day.—With respect to the choice of a clergyman, the hon. member for Westminster knew, that where the consent of the bishop and the patron was procured, there was no difficulty upon that head. The hon. gentleman had referred to the state of the churches in Westminster; but what was the state of the churches in other places? In the manufacturing districts; in Halifax, in Walsall, and Frome? In Frome the number of inhabitants was 12,400; there were accommodations in the church for only 950. In Walsall the number of inhabitants was 12,000; the accommodations were only for 700. In Halifax the population amounted to 92,850, and out of that number 85,480 had no means of attending religious worship. Having made that statement to the House he would ask, was it right that such a state of things should go on? Was it not right that the legislature should provide for the religious accommodation and comfort of those who, though poor, were yet, he might say, the sinews and strength of the country? There could be no rational objection to laying out half a million of money on this object. As to the million already granted, there was no pretence of there being any thing wrong in the application of it. Of the churches the ex-

penses of which were voted in the reign of queen Anne, only eleven were built in all; but out of the one million voted by the present parliament there had been nearly a hundred churches built. The 500,000*l.* if granted, would enable them to build fifty more. This would excite the liberality of individuals; and if together they could succeed in providing the means of religious worship for one member only out of every family in 80,000 families, they would effect a greater good than they could achieve by any other application of the same sum of money.

Mr. *John Smith* said, that no man could feel more strongly than he did the importance of the present subject; but he was not one of those who thought that the building of churches was alone sufficient to improve the morals of the population. He was of opinion, that a grant of the public money, to be applied towards the purposes of education, would be much more desirable. He was by no means against the building of churches: but, might not churches be built without the aid of parliament? There might be some places which required churches, and, from local considerations, required the aid of parliament. In those particular cases, he would be the last to resist a vote for the building of churches. In Lancashire, and in some other places, it might be found necessary to build additional churches; and, for that purpose, he would have no objection to vote a sum of 100,000*l.*, or 150,000*l.*

Dr. *Lushington* said, he could not accede to the arguments which had been used against the proposition before the committee. On the contrary, he thought the grant was not only required by the necessities of the people, but was demanded from the House, no less as a measure of justice than of expediency. The principal object in erecting new churches ought to be to provide seats in them for such persons as were unable, from their poverty, to pay any thing for such accommodation. To this point he had particularly directed his attention, and in considering it now he besought the attention of the House to the ancient law and principle by which it had been governed. It must be in the knowledge of many honourable gentlemen, that there still remained unrepealed upon the statute books, several acts of the reign of queen Elizabeth, by which all persons who absented themselves from the ap-

pointed times of divine worship were subject to penalties. He knew that these acts were not now enforced; but it was enough for his purpose, that they manifested the sense formerly entertained of the duty and necessity of all persons attending public worship. Nothing could, therefore, be more unjust than to leave the requisition remaining on the Statute-book, while the possibility of fulfilling the duty it enjoined was taken away. He would even go further; for he had heard, from the highest authority in the law, an opinion expressed, that the inhabitants of any place might now be compelled to enlarge the several places of worship it contained, so as to provide every individual who pleased to attend them with a seat. He mentioned these circumstances to shew the justice of the proposed vote. But, when he considered the consequences which the dearth of places of public worship must occasion to the establishment of the church of England, he was further convinced of its necessity. Those consequences were, that the poor were driven to the alternative of absenting themselves entirely from the public service of God, or of taking shelter in dissenting chapels. Did the members of that House, almost all of whom were members of the established church, think that either of these alternatives should be presented to the choice of the poor? For his own part, he was decidedly of a different opinion. Let the House consider what was taking place. It was not his object, in the statement he was about to make, to hold up in an invidious light the religious sentiments of persons who differed from him; but he wished the church of England to have fair play, and that the dissenters should not have their doors open, while those of the former were shut. At that moment there was a society called the Home Missionary Society, which was almost exclusively employed in sending its agents to every part of the kingdom, for the purpose of collecting subscriptions, and increasing the numbers of those who were no longer to belong to the established church. To the operations of that society he felt reluctant that the field should be left open. And, what the nature of those operations were, the House might gather from a pamphlet which he held in his hand, and which purported to be the society's third report. Some agent of the society, who had been pursuing his labours through the county of Worcester, described it in these terms: "I shall here

attempt a description of the very deplorable state in which I have found the people of this dark county. It puts me at my wit's end when I think of the depravity of its thoughtless inhabitants. I shall only touch upon the manner in which they profane the Holy Sabbath." Here the learned doctor said, he feared the House would be lost in horror when they should hear of the enormities which were committed by the people of this "dark" county. "They play against each other at foot-ball, and at hurling in a field adjoining to the church. Some of them play at fives, some at ball, some with sticks upon the green, some go to the river with lines and nets, and the youth of both sexes" (Oh, monstrous!) "assemble together, and spend the evening in social mirth." The zealous agent recommended that a march should be immediately commenced, and that, invested in gospel armour, they should go from house to house (and this was literally done) to collect subscriptions, the object of which was to spread the progress of dissent through the benighted county of Worcester. He was sorry that these labours should go on uninterrupted. He deplored the manner in which doctrines were propagated, which, if they gained a fast hold upon the minds of the people, would be productive of infinite mischief. He would not compare such doctrines with those of the established church; and it was because he wished to see the establishment upon a proper footing, as regarded the dissenters, that he should support the present vote. There was another paper which purported to be an account of the monthly-prayer meetings. One preacher was appointed to begin, another to go on, and a third to conclude; and the end of all this was to obtain subscriptions. The mischief which had been already done by these practices was infinite; and with his goodwill they should do no more. It had been asked, why did not the members of the church of England subscribe and build churches as the dissenters had built chapels? He replied, because they had been accustomed, and moreover were entitled, to the enjoyment of places of public worship without subscribing. Although it would be easy for the rich to subscribe, it was beyond the power of the less affluent to do so. To the proposition which had been thrown out for vesting in the inhabitants the right of electing the clergy-men of the new churches, he decidedly

objected. He had had the honour of being counsel in the case of a parish in the city of London, where the election was disputed. A regular scrutiny of votes ensued, and the litigation occupied five whole years. Without, however, entering into the details of all the mischiefs with which this mode was fraught, his objection to it was mainly, that the necessary canvass was degrading to the dignity of the establishment; and, after all, it did not tend to place in the pulpit that clergyman who was most fit for the situation. It had rather the effect of appointing what was called "a popular preacher"—one of those who made no scruple of sending his hearers to the lowest part of the other world—a doctrine, which, however comfortable it might be to some persons, by no means suited his (Dr. L's) notions. It was, as he humbly apprehended, the duty of a clergyman of the church of England to abide by the doctrines he had sworn to maintain, and to court the favour of no one. It had been asserted by the hon. member for Westminster, that there was a sufficient number of chapels in that city. This he denied. He lived in Westminster, and he was obliged to pay not only for his family, but for his servants. He did not complain of this for himself: it was his duty to pay, and he did it cheerfully. But, how could the poor afford to do it? Let the House consider how many poor persons there were within a mile of the house, who out of their earnings could afford nothing for such a purpose, and from whom, too, nothing ought to be required. He had one objection to make to the operations of the commissioners for building churches; it was, that their expenditure was on too large a scale. He thought that at least they should furnish one free sitting for every 5*l*. they expended. He objected, too, that the bill, while it provided that the livings of the new churches should not be held by the incumbent of the mother church, had not also provided against their being held by persons already in possession of other benefices. He appealed to the good sense of the House whether, if the sum of 150*l*. was not enough to ensure a competent discharge of the duty, 75*l*. (and no more would be paid to stipendiary curates) would effect the purpose. This he proposed to remedy in the committee. The hon. and learned gentleman concluded by observing, that

the people of this country, in many places, stood much in need of places of worship; and that it was the bounden duty of parliament to provide such places. For so long as the want of churches was felt, so long would crime increase; and, the more the service of the established church was enforced, the greater would be the security for the morals, the comfort, and the happiness of the people.

Mr. *Hume* said, he was sorry to obtrude himself upon the attention of the House, but really, after the speech of the hon. and learned gentleman, he could not sit silent. He confessed he had never heard a speech with more regret, and at the same time a speech so little applicable to the subject. A more unfair allusion had never been made, than that of his hon. and learned friend to previous acts of parliament. He was greatly surprised to have heard a reference made to the acts of Elizabeth, by which Protestants were compelled to attend divine worship. Surely his hon. and learned friend must have forgotten the principle upon which those acts were founded. They were passed, in point of fact, to preclude persons of all denominations, from attending any place of divine worship, except the church of England. Did not his hon. and learned friend know that those acts were passed in support of the acts of Henry 8th after his separation from the church of Rome; and that they were directed against the church of Rome alone? He was at a loss to discover how those statutes could be made to apply in the present day, unless his hon. and learned friend meant to resort to compulsion to procure attendance at divine worship. His hon. and learned friend had been equally unfortunate in a subsequent proposition which he had laid down. He said, that he wished the church to have fair play; and, in pursuance of that opinion, he had read some extracts from a pamphlet, or letter, for aught he knew, written by his hon. and learned friend himself. He did not mean to say that that was the case in the present instance, but he really was at a loss to know for what purpose that document had been read, unless his hon. and learned friend meant to commence a crusade against all dissenters. Had his hon. and learned friend read what had been written of John Wesley by Mr. Southey? Mr. Southey had attributed all the reformation which Wesley had achieved, and all the

good which he had accomplished, to his unremitting perseverance and exposure of abuses. If his hon. and learned friend would go to Scotland, he would there see ball-playing of a Sunday, and other amusements which, in fact, were nothing but the remnants of usages which were at one time in common practice, and which still had an existence in Catholic countries. But he was sure the House would agree with him, that that man must be illiberal indeed who would object to the amusement on a Sunday of those poor persons who had been laboriously employed during the other six days in the week. He had himself been educated as strictly as any man ever was in the principles of the Church of Scotland; but he had lived long enough to know that the practice of sound morality, and the exercise of the best charities of the heart, could exist in perfection without coldness and severity. For what purpose had his hon. and learned friend read that extract, if not to draw a contrast between the dissenters and the members of the establishment, and to show that the former were exerting themselves to obtain proselytes? Had he not said, that a Home Missionary office had been established, from which agents were dispatched from town to town, and from village to village, to disseminate their doctrines? If he understood the meaning of that passage, it was intended to expose the over-heated, but still the honest zeal of the dissenters. But it was most unfair to cail on the House to believe that the opinions contained in that pamphlet were the opinions of the whole body of the Methodists. He had been anxious, before he had come to the House, to make himself acquainted with the proportion which the dissenters bore to the Protestant population of the country, with a view to see how far the present vote was warranted, by what had been called, a paramount necessity. The only parliamentary document he could find, was a return which had been laid on the table in 1812; from which it appeared, that, out of 1,881 parishes, there were 2,533 churches and chapels, belonging to the establishment, and 3,438, belonging to the dissenters; making for the dissenters, one third more than for the establishment. Here, then, on the one hand, we had zeal and perseverance opposed to indolence on the other; and, if they wished to give the church of England fair play, they must match them with men of

like zeal, talent, and assiduity. But, instead of this, how was it proposed to proceed? Why, by building stone walls; as if they could impart zeal or talent, or inculcate the doctrines of the church of England. He had seen churches enough—he had seen them tolerably well built, well furnished, and, no doubt, well endowed; but very ill filled. And why? because they were superintended by men who had been selected, not on account of their qualifications to teach, but with a view to patronage. The right hon. gentleman opposite had said, that whenever a good preacher was found, the church was taken by storm; and, yet, the mode which his hon. and learned friend would propose to give the church fair play, was, not to please the congregation, but to continue that patronage which, under the present system, was most offensive. Greatly superior to that was the proposition of his hon. friend near him (Mr. J. Smith), to educate the people. He thought that the system of election, instead of being injurious, would be attended with the most beneficial consequences. But, to come to the real point before the committee, and which had been too much overlooked. He would ask, were we now about to establish a new system? The chancellor of the Exchequer had said, that the churches of England and Scotland were very different in this respect. It was quite true. In Scotland the parishioners and land-owners were bound to erect the church, and to maintain it and provide for the clergy; and, before the House consented to vote 500,000*l.* for building churches in England, in addition to the million which had been already voted, he would ask, were there no funds allotted for the express purpose of building churches; or were we to be told, that every appropriation of money made by the clergy was just and proper? He should wish to hear from some of the gentlemen who supported this proposition, for what objects tithes were originally destined. He could quote the highest authority on this subject, he meant Mr. Seldon, who had said, that tithes were originally dedicated to four purposes. The first was, to maintain the church, the second was, to maintain the clergy, the third was, to provide relief for the poor, and the fourth object was, to support the bishop. Now, he conceived, that the revenues of the church of England, looking especially to the amount received in

tithe, were so large, so much larger than those of any other church, except that of Ireland, that it was highly proper that such an inquiry as was called for should be instituted on the present occasion. The right hon. gentleman had spoken of the riches of the country as fairly authorizing the grant of public money proposed. Why, the fact was, that in this kingdom there were thousands of artificers who were working hard for the pittance of from 5s. to 7s. a week for the sustenance of themselves and their families. Such being the case, he must be allowed to doubt whether the country could be properly called rich. The money-market, indeed, might be full, owing to the redundancy of capital in particular hands; but he totally denied that the great mass of the people, the lower classes, could be considered rich. At this moment there were three committees sitting up stairs, whose object was inquiry into the condition of those classes; and he would venture to affirm, that whenever the reports of those committees should be laid before the House, they would exhibit nothing but details of poverty. The right hon. gentleman had little reason to describe the people generally as being rich, when so large a portion of them were employed from twelve to fourteen or fifteen hours a day for so small a pittance per week. Did the right hon. gentleman forget, that out of the population he spoke of, amounting to sixteen or seventeen millions, there were seven millions at least who were not very comfortably off. What could be said, for example, of the Irish peasantry? A sounder suggestion had not been often made in that House, than the alteration of the vote before the committee, which had been just proposed by the hon. member for Midhurst. His hon. friend had very sensibly and feelingly observed, that it was impious to appropriate 500,000*l.* to the building of bare walls that could be of little or no use when built, when the money might be applied for the purposes of instruction to be given to the poor, especially in Ireland; and to which purposes the hon. member, therefore, desired to see the money applied. The right hon. gentleman opposite had asked, whether any objection was made by parliament at the time that the million of money was asked of it for the building of churches? He was very sorry to reply, that certainly no objection was made at the time.

He would confess, that 1,000,000*l.* was granted then, and 100,000*l.* annually, from a period commencing in 1809, and continuing until about three years since, when he (Mr. H.) had the good fortune to prevent its further duration by a motion which he had had the honour to submit to Parliament. But really the question propounded by the right hon. gentleman furnished no argument for the vote which he called upon the committee to come to. He would readily admit that there were many among our own clergy who were exceedingly ill paid; but he must repeat, that the revenues of the church were sufficiently ample to provide for them, and for this grant. It should never be forgotten, that this 500,000*l.* was part of what had been denominated a "God-send"; repaid, however, as an acknowledgment of a debt, principal and interest, due to the people of England, amounting to 21,000,000*l.*; and that this 500,000*l.* was one whole fourth of all that England had received on account of that debt. To apply it to such a purpose as this, did appear to him perfectly unjustifiable. His majesty's ministers were at present in very good grace with the public [hear hear]; at least they themselves said so, and he supposed they had some reason for the assertion. If they were so, however, it was only in virtue of the comparison offered by those who had preceded them. Before they thought of building churches with this sum of 500,000*l.*, he would recommend them to examine into the income of the bishoprick of Durham [hear]. If the hon. gentleman who cheered admitted that that vast income was given originally for religious purposes, he must beg to be informed whether it was not too much for the services actually performed. If it was, let the excess of such income be appropriated to the building of new churches. In the course of the last year, 50,000*l.* had been voted for building churches in Scotland; and he had been asked, why he had not opposed that grant? The reason was this. When the million of money had been voted for building churches in England, the sum of 100,000*l.* had been voted for Scotland; and it surely would have been very illiberal and unjust in him to have acquiesced in the one, and opposed the other, particularly when only one half of the sum voted was proposed to be given. But, how stood the question with regard to Ireland? If ever an argument

had been misplaced, it was that of the chancellor of the Exchequer on this subject. He said, "will you refuse the sum of 500,000*l.* to build Protestant churches, when you vote a sum of money annually for the Catholics in Ireland?" Now it was very true, that the small sum of 10,000*l.* was voted annually for the college of Maynooth; but, let it not be forgotten, that the people of that country are saddled with tithes to the amount of two millions and a half, and that the sum of 700,000*l.* had been levied on them for building Protestant churches, so that really he thought the right hon. gentleman, in using this argument, was catching at straws, for he could not suppose it would have any weight with the House. Now, then, he came to the disposition of the people, and, upon this point, he quite agreed with his hon. and learned friend, that if the people wanted churches it was fitting they should have them. He knew very well that some of the dissenters paid very liberally—and, he also knew, that some did not—for the building of churches. The Quakers were a class of people who would not pay unless they were compelled. But the course which he would pursue was this: if churches were required, he would, in the first instance examine whether there were not sufficient funds arising out of church property to build them; and, if the House were not disposed to go along with him in that course, he would next try, whether the necessary sums could not be raised amongst those who required the new church, without calling on the people at large to contribute. He would undertake to say, that if a clause were introduced in the bill, enabling persons to build churches under certain regulations; such as that one-third of the seats should be free, and that a committee of the parishioners should have the power of nominating the clergyman; he was persuaded that many would be found to come forward, and that it would not be necessary to apply to parliament for a grant. What was the use of an establishment if it did not pass men properly qualified for the discharge of the duties to which they were appointed. He well knew that the church possessed some excellent and valuable members; but at the same time he must say, that through the fingers of these very scrupulous gentlemen there sometimes did pass men, to judge from whom, the qualification could not be very difficult. They found many individuals

who, after having run a gay life in the army, navy, or marines, were now entered into holy orders. He had no objection to any person who was properly qualified, but when they found that the examination was exceedingly lax, he could not consent to have it said, that he, or those who thought with him, were desirous of having in the church ill-qualified persons. All that he wished was, that the person appointed should have gone through all the required forms, and obtained the bishop's certificate. His hon. and learned friend had asked, "Would you call on the poor man to pay for his seat?" Certainly not. On the principle to which he had adverted, accommodation would be provided for all; but patronage should not be allowed to stand in the way. By returns made in 1810, 1811, 1812, 1813, and 1814, relative to the church of England, it appeared that of 10,600 parsons 6,804 incumbents were non-residents; 3,798 were residents. Parliament had heard a good deal about the absentees and non-residents in the church of Ireland; but they bore no proportion to the absentees in the church of England. In Ireland the proportion was about 800, residents to 400 absentees. In England, according to the return of 1814, which was similar to that of 1817, almost to a fraction, the non-residents were thus stated—exemptions from residence 2,545; ditto by licences, and various other causes 2,758; exemptions, sinecures, and sequestrations 1,306; ditto miscellaneous causes 195; making a total of 6,804. The right hon. gentleman opposite would confer a great benefit on the country, if he could abolish this practice altogether, as well as the system of pluralities. If a man wished to be idle let him get no pay. Let those only receive a compensation who attended to their duties. Let every man pursue his own vocation: for then and then only would the national establishment have fair play. There was one point more which he had nearly forgotten. He was persuaded, that if the right hon. secretary had considered more attentively the subject, he would not have adduced Manchester as an instance of the necessity of granting this vote. In Manchester there were, as it appeared from the return, 186,941 inhabitants; accommodation in the churches was only provided for 14,300, so that there was a deficiency of room for 172,641; and "so great was the desire," said the right hon. gentleman, "to provide additional accommodation,

that they would consider the building of some additional churches as the greatest blessing." Now he could state a few facts relating to Manchester; which really was a religious community. There were few places in which there was more devotion, and although the population was poor, there was a very regular attendance on divine worship. However in the month of June, 1820, in consequence of a proposition made by the commissioners for building churches, a public meeting was called of the inhabitants of Manchester by the borough-reeve, and it was attended by all the respectable residents. The clergyman Mr. Mallory who was a zealous and conscientious advocate for the building of churches, presided over the meeting and brought with him every one whom he could either directly or indirectly influence. When the question was proposed—"Shall we accept the offer of the commissioners to build the church?" great opposition was made, and a division having been called for, an overwhelming majority was found against the proposition, and the resolution was negatived. A copy of the proceedings of the meeting was sent to the commissioners and another to lord Sidmouth. However notwithstanding the representation, the commissioners determined to persevere in their intention of building, and the consequence was that the church was not half full. He was warranted in stating, that these allegations could be distinctly proved, and he thought that if he took this case of Manchester as an example, which had been particularly dwelt on upon the opposite side, he was justified in saying that no case of necessity had been made out. He must repeat his determination, although a friend to the established church, to give the present vote every opposition in his power.

Dr. *Lushington*, in explanation, begged most distinctly to disclaim every species of hostility to the dissenters, and to say, that it would be most painful to him if any misconception entertained by the hon. member for Montrose, should go forth to the public; but there had not been one word in his speech which, being justly interpreted or rightly understood, would bear any such construction as the hon. gentleman had put upon it. The paper he had read from was the third report of the Home Missionary Society, which he did not quote in any ill feeling towards the dissenters, but to show the

necessity that existed for the church of England receiving her poorer members into her own congregation. He thought there was a great difference between hostility to the dissenters, and attachment to one's own religion. He had always given his vote in favour of the most extended toleration, and, only a few nights ago, had paid the humble tribute of his applause to the exertions of the missionaries in the West Indies. In rising to correct a misconception on the part of the hon. gentleman, it might happen that he himself was mistaken, owing to the difficulty which was sometimes experienced in making out what it was that the hon. gentleman really meant to say.

Mr. *George Banks* said, it had been stated by his hon. friend, the member for Westminster, that since the new church at Marylebone had been built, the price of pews in the old church had considerably risen. Now, to him this really seemed the oddest argument in the world against the necessity for new churches. The hon. member for Aberdeen had spoken of churches as being composed merely of four stone walls, and had asked, of what use could they be to religion? Why, he had heard of religious service having been performed in tubs in open fields; but he certainly thought that the government of every state was bound to provide for the decent performance of the religious rites which it professed to uphold. As for the general principle of building new churches, it certainly ought to be a main object with government to provide for the union of sexes (sects) [laughter]. That union had been an object much attended to in Ireland. It was an union that it was of the greatest consequence to keep up [renewed laughter]. He apprehended, from the laughter in which hon. gentlemen indulged, that he had inadvertently committed some verbal inaccuracy. He need hardly say that, on such a subject, he had no intention to speak with levity, and he begged to give his cordial support to the motion.

Mr. *W. Smith* expressed his inability to support the grant until it should be ascertained whether the necessary funds could not be furnished out of the revenues of the established church.

Lord *Palmerston* regretted the change which seemed to have taken place in the opinion of the House upon this subject. At a period when the finances of the country were not in so flourishing a state,

they had concurred in voting a million for the same purpose : but now that they had a surplus revenue, and the circumstances of the nation were in every respect improved, they were called upon to pause before they granted half that sum. What could be the reason of such a change? Was it that the necessity did not still exist? The opponents of the measure would hardly advance such an assertion, when they recollected that, from the year 1801 to 1821, the population had increased three millions. It might be necessary for him, after what he had heard that night, to disclaim all hostility to the dissenters. He was not one of those who wished to see political distinctions established between religious sects, as he had often proved by his votes in that House; but at the same time he regretted to see the increasing number of the dissenters. It was his wish that the established church should be the predominant one in this country; for nothing, he was persuaded, could tend more to the general tranquillity and happiness of a people, than a community of sentiment, as far as it could be obtained without intolerance to any party, in matters of religious doctrine. If they denied to the people the means of attending divine worship according to the practice of the established church, how could they expect that the members of the establishment would continue to increase? It had been said, that this defect ought to be remedied by voluntary contribution, and the case of the dissenters was alluded to in support of the opinion. But, there was a difference between the two cases. The dissenters, both rich and poor, were under a necessity of providing themselves with places of worship for which the state made no provision, and it was easy for the rich dissenters to make up the sum required. But with respect to the church of England, it was the poor alone who felt the want of church accommodation. The rich could purchase pews, and they were always certain of finding sufficient room; but it would be most preposterous to say that the poor should subscribe for churches out of their small earnings. It had been said, that the application of this fund to churches was a wanton expenditure of the public money, and that it would be much better if it were laid out in giving them the benefit of education. No man could have a stronger feeling of the advantages of having the poor educated

than he had; but it must be recollected, that education did not consist in merely learning to read and write. These were the means, and not the objects of education; the objects were moral and religious instruction. Let the committee look at the difference between the inhabitants of Scotland and those of Ireland. In the former there was a peaceable and orderly disposition to obey the laws: in the latter, a constant tendency to outrage and disorder was manifest. What was the cause? It was that the Scotch were better educated than the Irish. He did not mean to say that there were more in one country who knew how to write than in the other, for the difference in this respect would be found to be less than was generally imagined; but the fact was, that one people had the advantages of moral and religious education in a much greater degree than the other. The noble lord concluded by expressing his cordial approbation of the resolution.

Mr. Gordon said, that when the chancellor of the Exchequer first proposed this measure, he had thought it a misapplication of the public money; but on reflection, he had found reason to alter his opinion, particularly when he found from the papers, that there was such a want of church accommodation. He was induced to alter his opinion after hearing the speech of the learned civilian, and more particularly was he convinced of the necessity of it after having heard the speech of the hon. member for Aberdeen. Since he had had the honour of a seat in that House, he had never heard a speech with which he was more dissatisfied. [Hear, hear, from some members on the opposition side.] He always found that when a member happened to differ from those with whom he usually acted, they were much less tolerant to him than those whom he usually opposed. This, however, should not prevent him from giving his conscientious opinion on every occasion, whether it was in unison with, or in opposition to, that of his political friends. It had been truly stated by the hon. and learned gentleman, that a set of peripatetic missionaries were going about the country, from house to house, endeavouring to infuse what they called stricter notions of religion into the people. He feared that this was a canting and hypocritical age; and it was because he saw less of that cant and hypocrisy in the established church, than amongst the evan-

gical missionaries, that he was anxious to support that church, by voting for the resolution.

The committee then divided on the resolution, when the numbers were: For the motion 148; Against it 59. Majority 89.

HOUSE OF COMMONS.

Monday, April 12.

ALIEN BILL.] On the order of the day for the third reading of this bill,

Lord *Normanby* rose to express his decided aversion to the measure. He said, he felt pleasure in hearing—not having been present on the former evenings of debate—that this was the last occasion on which the question would have to be agitated in that House; but he nevertheless felt it his duty to oppose it, even for the limited period to which ministers were desirous that it should be continued. It was a bill hostile to the principles of the British constitution, and in its operation outraged all those feelings with which, as Englishmen, we were bound to sympathise. Such a measure had never been resorted to by our ancestors, even when a Popish pretender resided at a foreign court, and was endeavouring, by his intrigues with foreigners, to overturn the government of this country. Having consolidated our own liberties, we exhibited too much indifference to the liberties of others. This Alien bill was evidently a connivance on the part of the British government with the members of the Holy Alliance. He readily allowed the mildness with which its provisions had been enforced by the right hon. gentleman opposite. But it was a question of feeling: and what must be the feelings of those gallant and honourable individuals who, having sacrificed their friends and their country rather than hold their liberties at the nod of a despot, and hoping to find security in a free country, were told, that it was a blessing on which they could not securely calculate, for that which we prized so highly ourselves we denied to others. Feeling the greatest objection to the bill, he would move, as an amendment, “That it be read a third time that day six months.”

Mr. *Leycester* observed, that as it was generally understood that the bill would expire at the end of two years, it could be continued at the present time only from habit; but it was a bad habit, and

the sooner a bad habit was got rid of the better. What was the argument for its continuance, even for a single day? That there might be a conspiracy in this country against some of the members of the holy alliance. So much the better! Such a conspiracy would be not a crime, but a virtue; and whenever it occurred, he trusted that it would be attended by the blessing and favour of Providence. The fact was, that the present measure was proposed for the purpose of supporting Ferdinand on the throne of Spain; and it converted the ministers of George the 4th into the conservators of Ferdinand and of the Inquisition.

Colonel *Palmer* stated, that, being one of the half dozen individuals mentioned in a late speech, as opposing the general voice of the House and nation in praise of the measures of the government, he rose to defend his opinion, and declare his objection to this bill, considering it to be only a further measure of that weak and dishonourable policy, which aggravated the danger of the country. For what was the object of the ministers? It was not the security of their own government but those of the allied powers, and to conciliate those whose conduct they had reprobated in the strongest terms of indignation in the last session, but whom, in the present, they had not only flattered by their praises, but had actually invited to keep possession of the country of which they had so basely and treacherously made themselves masters. But, putting all honour, truth, or consistency out of the question, the effect of the measure totally defeated its intention; for the indignant, but honest language provoked by the discussion, and circulated throughout Europe by means of a free press, must goad the hostility of the allies, their hatred to England, and their efforts to destroy that liberty, incompatible with the principles they had established on the continent, and had pledged themselves to maintain. The ministers, in the face of reason, common sense, and all the acts and declarations of both parties, still boasted of the good understanding betwixt them; but how was it possible these despotic powers could be actuated by any more favourable sentiment than contempt for a government which, whatever might be its own feeling, was unable to control the feelings of the nation? For these reasons, and from a conviction of the hourly increasing danger of the country in this cause, which ad-

mitted of no compromise, and wherein the ministers, from whatever motives, were aiding and abetting by their conduct the avowed object of France and the holy alliance, the honourable member once more ventured to address the House upon the subject.

And first, he must return his sincere thanks to his right hon. friend below him for his answer to the speech of the right hon. gentleman; for it was the weight of his judgment and opinion of the state of Europe, the conduct of the Allied Powers, and their designs against the liberties of England, which had encouraged him again to stand up in their defence; and and would, he trusted, justify every sentiment he might utter before he resumed his seat. But, the question of foreign policy was so involved in the system of the government at home, that he must necessarily refer to both in support of his argument, and would begin by answering an observation of the noble lord, who, in the late debate upon a partial question of reform, had so pointedly alluded to the case of the city which he (the hon. member) represented, and to whom he must declare, that, for the same reason which had influenced his vote in the case of the city of Edinburgh, he would have voted for the destruction of every close and rotten borough represented in that House. For he considered all half measures, whether of foreign or domestic policy, not only to be useless, but dangerous and deceitful; and so far agreed with the right hon. gentleman, who, as the determined enemy to all change of the existing system, had openly declared he would consent to no compromise whatever betwixt the present state of the representation of the people and a complete and radical reform. Upon this issue, the hon. member said, he would enter the lists with the right hon. gentleman whenever that question might be renewed; and, in the mean time, hoped that his hon. friends would make up their minds to a measure, which, if their own picture of the danger of the country was true, was the only remedy for the evil. For what could their eloquence avail, unless they would act as well as speak? Why moot these Spanish questions, and complain of loss of honour, or danger to their liberties, unless they could redeem the one and save the other? Why talk of their recognizance to keep the peace, unless they could suggest the means to pay it off? Why vent them-

selves in impotent abuse, insulting and provoking those who could not call them to account, but might their country? Or why turn Job's comforters, and remind the nation of her danger, instead of setting their shoulders to the wheel to help her out of it? For what prevented them? What infatuation, what lethargy had seized them? What most stood in their way? What night-mare sat upon their breasts, and, in spite of all their efforts, pinned them down? For himself, he saw nothing but the danger of his country, and could look to nothing but the means to save her. In her cause there was no sacrifice but he would make, no hazard but he would encounter; and all the reward he sought was, the glory of her service. In her cause, he would say with Hotspur—

"By Heaven, methinks it were an easy leap
To pluck bright honour from the pale-faced moon;
Or dive into the bottom of the deep,
Where fathom-line could never touch the ground,
And pluck up drowned honour by the locks.
But out upon this half-faced fellowship!"

For unless his honourable friends would go all lengths, and make all sacrifices of private interest for the public good, there was no salvation for their country. "*Virtussolanobilitas*" was the motto of his heart, and, he hoped, too deeply written down to be erased by any temptation which the vanity of this world could offer it; and it was there alone, and not to the mottoes on their shields, that true nobility, and a high-minded aristocracy would refer those who once looked up to them, and who did so still, whenever their conduct and example deserved it.

The hon. member was convinced that he appealed to those who were influenced by the same feelings with himself, and as individuals would make those sacrifices which they deprecated or despaired of as a body. He was convinced for instance that the noble patron whom his hon. and learned friend had represented, and not the people, in his late motion for reform, would readily sacrifice his private interest for the public good. Nor did the hon. member say it from his personal esteem of the individual, but because the whole tenour of his public and private life gave the assurance. So, too, would a host of others, the flower of the aristocracy of the nation, and who in thus coming forward, would carry the whole country with them. Not that he claimed the monopoly of his feelings, nor any merit but that of treading in the steps of those who had set the example, and

above all, that individual who, upon the question of reform, and all others involving the honour and interest of his country, had ever stood forward, whether in or out of that House, the firmest, warmest, and most consistent friend, both to the Crown and people. But, to return to his noble friend and others, who could not agree with them upon this subject of reform. What was the difference of their feelings, unless that they were conscious of their own worth, but had a bad opinion of the world; whilst the hon. member and his friends thought better of mankind, and that others might be as honest as themselves? For they believed that God had implanted the same feelings in every human breast, and that education only made the difference: Not the education of colleges or schools, nor even writing or reading, but simply the education of example and good government. They contended, that the government of a nation was like that of any smaller body: nor could a better parallel be found than in his own profession. Suppose, then, a nation and a regiment, and the moral character and conduct of each to be equally good and unexceptionable: only put a fool at the head of either, and it must fall to pieces. Let the system of each, be perfection itself "of one entire and perfect chrysolite;" again, he would say, put but a fool at the head of either, its honour, pride, feeling, name—

"Yea, all that it inherit shall dissolve,
And like the baseless fabric of a vision,
Leave not a wreck behind."

A knave, in such a case, was infinitely preferable; for, without a heart, if he had judgment, he would learn that honesty was the better policy, and might at last discover, that honour, chivalry, and a straight course was the best road to his ambition. But a fool had neither heart nor head; he neither saw nor felt beyond the circle of his own contracted mind; and with the vanity of the knave without his sense—give him only the power, he never failed to abuse it.

The hon. member hoped that in that House he had been no egotist; and that the silent votes, which, during sixteen years, he had given in almost every instance upon public questions, might protect him from the charge, if in support of his argument upon this important subject he referred to his own experience for the fact. The case he would quote was that of the regiment to which he once belong-

ed; and which from the worst possible state of drunkenness and neglect of duty, was, in the course of only a few weeks, brought to the highest degree of discipline and good order. And, how was this effected? Simply by justice, firmness, humanity and common sense. Governed by these principles, this regiment (as stated in evidence before a court) was considered as a pattern to the service: and so continued as long as such system lasted. But the system being again changed, the same corps, which had been the admiration of the army, became its reproach and the object of the severest censure of its leader. And so it had been with this country; for she was once, in every sense of the expression, the greatest nation in the world; but, alas, how changed! She now stood degraded, insulted, despised; a bankrupt in character and fortune, and what was worse, lost even to the sense of her own dishonour. Nor was it his own opinion that he urged, but that of Europe and the world, and especially that government whose strength and resources were the main spring of those combined powers, which, without a change of system, must work the ruin of the country. Let the House look to the policy and intentions of the French government, and their opinions and criticisms on the speeches of ministers upon the Spanish and South American questions, and it would find, whatever the case betwixt the governments and the people, that betwixt the governments themselves—viz., France, Spain, and the Holy Alliance on one hand, and England on the other—that England, neither in justice, honour, nor consistency, had an inch of ground to stand on.

But, to return to the present system. It was supposed to be the law of nature, that all nations which rise and flourish, must in their turn decay. But the hon. member contended, that nations might always flourish, but for the moral causes of their ruin: for governments were moral structures, easily damaged or destroyed; but might always be repaired or rebuilt, as long as the materials existed. See Spain, for instance! Was ever a noble edifice in such a state of ruin? For look at what she was and what she is. But still the materials existed; for it was the same country and the same people—nay, a better; for it had been the education and improvement of the people struggling not only against the ignorance and barbarity of their ruler, but the open hostility

of the combined powers, and the basest treachery on the part of England, which had produced the present chaos of horror and confusion in that devoted country: for it was base to insult even an enemy when fallen, and how much more base, not only to betray a friend, but to blacken his character, to excuse your own conduct—not only to tear him from his country friends, children, wife, and all that is dear to his affections, but even to deprive him of the only consolation in his misfortune.

"Who steals my purse, steals trash; 'tis something, nothing;

'Twas mine, 'tis his, and has been slave to thousands

But he that filches from me my good name
Robs me of that which nothing enriches him,
And makes me poor indeed."

So the poor Spaniard, after bravely fighting in his country's cause, until his last hope forsook him, was now called by those who prayed for his success a coward and a fool. Nay, worse—an idiot: for who but idiots, in spite of all they had seen, and was still before their eyes, could prefer absolute monarchy and king Ferdinand, to the blessing of constitutional liberty? But, was ever assertion so utterly false and unfounded; so revolting against reason and common sense; or so foul a libel upon the wisdom and justice of the Almighty? for, if true, it at once reduced human nature below the level of the brute creation. And, who was the author of this libel? Where had he formed this opinion? Where had he imbibed his knowledge of mankind, and of the Spanish character? In the senate, conventicle, or public feast? In the Bible society, or Caledonian meeting? But, wherever it might have been, or whoever he might be, the hon. member would repeat it to be false, and state the evidence to prove it. Look at General Mina: was not he a Spaniard? Look at his brave army; were not they all Spaniards? And were there no other Mina's in Spain? Were there not thousands of his countrymen, to whom God had given the same heart and understanding, and who, in Mina's place, would have acted as he had done throughout? But they could not all be leaders; and amongst those who had been, what country bore the bell? He would answer, Spain! For of all the heroes of the present day, in his opinion, and he believed in the eye of God, there was not so great and good a man as Mina. But be that as it might, he was at least an honest man; and of all others the most

competent to speak to the character of his nation. What, then, said Mina, and every Englishman, Frenchman, and others who had been upon the spot, and with whom the hon. member had conversed upon the subject? One and all declared, that with the exception of the priesthood, there was not a man, or rather a mind in Spain, but hailed, not hated, the constitution. Mina, too, declared (as the hon. member had contended), that if ministers had sent but half their ships to Cadiz, and by repealing the foreign enlistment bill, had only unlocked the gate to let out British hearts to the cause of injured Spain, the flag of constitutional liberty would now have been flying upon every fortress of the kingdom. This, too, Mina declared was all they stood in need of; for as to sending troops to Spain, he was convinced, with the hon. member, it would have been better for both countries that a British soldier had never entered it: and ministers had confirmed this opinion by their own arguments; for who, in a late debate, had reminded the House of former jealousies betwixt them, as a warning for the future? The proverb said, "liars should have good memories;" and so should politicians, who could make use of the very arguments urged against themselves, when doing that which they now pretended to be the wish of their opponents; for when they sent troops to Spain, their opponents said to them, "If England were invaded, would British soldiers stomach that Spaniards should defend her? Then why, in the case of Spain, should the proud Spaniards be less jealous than themselves?" Such were the arguments of common sense, which, if the ministers had then consulted, would have saved Spain from France, and millions upon millions to their own country. So much for their judgment of the Spanish character! and what did they say of France? They prophesied and prayed in the last session, that the folly and madness of the Bourbon government should recoil upon its own head. But if they had really believed and wished it, why not have made assurance doubly sure by casting their trident and thunder (as they had called them) into the scale of Spain? For the fact was, they dared not, as France knew but too well; her ministers were neither the madmen nor fools they had been called, nor like these modern Machiavels, who had inherited the feeling of their prototype without his brains. The

French ministers, on the contrary, in the conduct of their wicked policy, to which they had been driven by the English government and the holy alliance, had acted throughout with ability and caution; feeling at every step the pulse of the British nation, whilst her own ministers were lying on their backs, bound hand and foot. For how stood the fact? Had God listened to their prayers by delivering Spain from her enemies, and their predictions of the downfall of the Bourbons been fulfilled, the same ruin must have fallen on themselves; for how were they to have commenced another revolutionary war, with their recognizances of 800 millions to keep the peace? It was utterly impossible. What, then, was to be done? Honest ministers would have seen at once, that reform was the only remedy; but those who had looked only to themselves had sold the reversion of the liberties of their country for annuities upon their own lives. For by this last act of their wretched policy, they had so strengthened and secured the power of the French government, that nothing but reform or revolution could enable England much longer to defend herself, as France at the present moment wielded all the force of military despotism under the mask of civil liberty. For what with her elections, septennial parliaments and other imitations of the same precious system, she had just finished a fac simile of the mock English constitution.

As to England, the hon. member had only to hope, that the nation, before it was too late, would open its eyes to the conduct of ministers, and the real danger of the country; for at present he must confess, that of all the dupes upon earth, he considered John Bull to be the greatest; and could find no better parallel to his character, conduct, and present situation, looking to the state of Europe, than that which he should conclude with stating. The ministers, as all knew, had an unlimited power over the purse of the people, but not their liberty of speech. As to the first, to do the ministers justice, no gentlemen of their vocation could be more active, or understand their business better; and if, in picking John Bull's pocket, they could only stop his mouth, all might go on smoothly. But here lay the rub: for John resembled a certain animal in the act of being killed, whose only defence was, to set up a cry which disturbed the whole neighbourhood, whilst

all he got for his pains was the hearty wish of those within reach of his voice, that means had been found to stop it. And thus it was with Mr. Bull; for whilst the ministers were bleeding him to death, he, too, set up a cry, which was heard throughout Europe, and naturally alarmed the combined powers; who said to the English government, "Use him as you please, for that is your affair; but stop his mouth, as that is ours; and, unless you can do this, by the Holy God we must do it for you!"

Mr Denman said, that he had opposed the Alien act ever since he had had the honour of sitting in that House, and the present circumstances under which it was introduced, as it seemed to him, strengthened every argument against it. He could have wished that his majesty's ministers, by giving up at once that which they confessed it would be proper to give up two years hence, had spared to themselves and the House the trouble of a long debate. The system of long debates, however, did sometimes extort from the right hon. gentlemen opposite concessions which could not be attained in any other way; and it was some consolation to those who had resisted the present bill from its first introduction, to discover that there no longer existed any pretence for finding the powers which it gave inherent in the Crown. He believed there no longer was any one in the House who could oppose the opinion pronounced by the hon. and learned solicitor-general, two years ago—that Blackstone was wrong, and that there existed no where any authority which vested the right of dealing with aliens as a circumstance of prerogative in the Crown; and that opinion, if it could need corroboration, would be corroborated past all question by the fact, that even in the 22nd of Henry 8th an act of parliament had been distinctly passed to deal with the persons called Egyptians, or Gipsies, who had "introduced themselves into the realm contrary to law," by way of banishment—not leaving even these people, who were the vilest of the vile, to the prerogative of the Crown, but distinctly giving the Crown a power by proclamation, to proceed against them. The right hon. gentleman opposite (Mr. Peel) said, that the sovereign authority of the state held the power, by right, to dispose of aliens. Why, no doubt; and the sovereign authority of the state had the power to dispose of all the subjects of the

kingdom. All persons were subject to the sovereign authority of the state, and were to be dealt with, no doubt, as that authority might think best; but then they were to be dealt with according to laws framed, and to be framed, and not by passing an act which put their persons and their property at the mercy (whatever that might be) of the three secretaries of state. The clause which had been introduced, in the downfall of this odious measure, in favour of aliens who had been more than seven years resident in England, formed no answer to the objection which he and his friends took to its principle. They called upon this country to afford its ancient and honourable protection to all (so long as its laws were respected by them) whom tyranny or political change made exiles from their own. They asked protection for the Spaniards and the Neapolitans; for the Sardinians, and all others whose love of liberty or vain efforts to obtain it, had drawn or were likely to draw upon them persecution. Those were the persons who were entitled to claim the exercise of her ancient hospitality from England; and those were the persons whom this Alien act was to throw back into the power of their oppressors. It was impossible, looking at this bill with a due regard to the arbitrary power which it was to bestow, not to give some consideration to the characters of those in whose hands such power was to be placed.—namely, the three secretaries; or to hide from themselves another consideration, as to the possibility of their exercising that power justly and fairly, or the contrary. Looking, therefore, as they were bound to do, to the general characters and opinions of those right honourable personages, he must declare, that he could not witness their investiture with that power without the greatest distrust and reluctance. How feel otherwise, in the first place, with respect to the noble secretary for the colonial department? When he looked at what had been the treatment, by that noble person, Napoleon, during the last five years of his life—when he considered what treatment had been shown to generals Gourgaud and Montholon, and to Las Cases, each of whom had not only been driven away on their approach to our shores under circumstances almost revolting—and when there was no room left to doubt but that the noble secretary still entertained the same views, he saw evident reasons for

not trusting to him for the just exercise of a power which might be used to the greatest abuse of the government, and the greatest excesses in regard to the preservation of those who might happen to become the victims. For in the cases to which he had just referred, who were the objects to suffer? Those who had followed the fortunes of Napoleon in their lowest declination—the few whom gratitude had bound to his fate even in its worst degradation—men who from their conduct and fidelity should have been the objects rather of a generous commiseration than the victims of ministerial persecution. The refusal to let them land might have been politic and even justifiable; but the wrongs which they suffered were not limited to that; their papers were seized, the grossest abuse which could be made of this power. What, if this should ever happen, under the present bill, to persons of the commercial rank?—and there was nothing to exclude the probability of the case—there would be, perhaps, absolute ruin brought upon individuals, which it could not be pretended that any power could warrant. And this was the character and tendency of the bill throughout its whole period of existence. It went to multiply acts, like those of the noble lord in his treatment of Napoleon's followers, which could only be characterized as acts of oppression and abuse, committed in violation of the better sense and meaning of law. In the next place, what had they to expect from the right hon. secretary who introduced the present bill. What qualifications could they suppose, which would make it safe to trust power in his hands, which they must always reckon it dangerous to trust in the hands of any man? It was very true that the right hon. gentleman, was known to pay considerable attention to the cases which came before him from the different parts of the kingdom, with a view to discovering what considerations he could offer to the Crown in regard to the mitigation of the various punishments assigned by the laws to the offenders; but here the House had the whole subject in view; they knew what was the nature of the considerations which the right hon. gentleman had to offer, and the views which he must entertain upon the several cases. But they knew nothing of the considerations which might influence the exercise of this arbitrary power. There was nothing to guide them, except that which led to suspicion

and distrust. In the absence of any satisfactory information, he could only look to the temper in which this power was claimed—the assumptions of right upon which it was demanded. If he saw that it was asked as something which ought to be given as matter of course—if it were asked as if the minister who sought it did not feel that it was a power of exorbitant weight and importance, the possession of which he ought to wish to avoid—that with him would be a good reason for believing that the power could not be safely trusted to the hands of him, who could in this temper and tone of argument demand it. He remembered well, that last year he had made this very objection to the behaviour of ministers upon the passing of this bill. It then had appeared to him, that there was too much levity in the manner of requiring it; that there was a want of that proper feeling of responsibility which must belong to ministers who would prefer governing by the constitution and the general laws of the country. As to the right hon. gentleman who held the chief office in the foreign department—with every possible feeling of respect for the liberal opinions which he had so honourably to himself undertaken to defend since his accession, both in his communications with foreign governments and in his deportment in parliament—with every wish that the right hon. gentleman should long continue in office, and at any rate quite as long as any of his present colleagues—hoping also, as he did, that the liberal feelings and opinions expressed by the right hon. gentleman would more and more gain ground, and at length predominate in the measures of that cabinet of which he was now the brightest ornament, but withal, there being no guarantee either for the unquestionably just exercise of this power during its continuance, or for its absolute extinction and determination at the end of the two years now proposed, he must be allowed to say, that he saw nothing in the past conduct and opinions of that right hon. gentleman which would make him (Mr. D.) more ready to trust him with extraordinary and arbitrary power, or that would, on account of his presence in the councils of the king make him at all the less anxious to withhold those powers from the government.—He would not advert to the affairs of Spain; a story too long and sad and dismal to be touched upon with any other feelings than those of grief or indignation.

He would say nothing now of the unprovoked invasion, nor of the unprincipled origin of the war, nor of the establishment of the principles at the congress of Verona, upon which the authors of that war professed to have acted; which principles, as they were hostile to the national spirit, interests, and constitution of England, demanded the firmest opposition from the ministers of England; and yet those ministers had confined their share of the transaction to what they called a neutral declaration—that they would take no part in the quarrel either on one side or the other. Independently of these considerations, he thought he saw in some recent transactions in which the right hon. gentleman was more immediately concerned, reasons for not trusting him with this power. They all knew what had been the conduct of the right hon. gentleman in the case of Mr. Bowring, who was taken up at Calais and conveyed to Bologne by the officers of the French government, for an alleged piece of misconduct. The question put to the French lawyers, at the direction of the right hon. gentleman was, what would have been the conduct of the French government towards any of its own subjects in the like case? The answer given was, that Mr. Bowring would be treated in the same manner as if he had been a native of France. But, suppose the answer had been the other way—that the French government could not consider Mr. Bowring who was an Englishman, in the light of one entitled to the rights and immunities of a French citizen, what could the right hon. gentleman have opposed to this proposition? Or, if he could have remonstrated, how easy would it have been to answer him? The French government might have said, “We, as well as you, have rights of our own to defend, and we do not choose to be without that power which you assume in your Alien bill, of dealing with foreigners in a manner different from subjects of the French government. As Mr. Bowring is a foreigner, you can have no right to demand what would be our treatment of a subject of-fending in the same manner, because we have a right to deal with him summarily.” Another subject of distrust as to the possession of this power furnished by the conduct of the right hon. secretary, was to be found in the case of his gallant friend, the member for Southwark. He would, however, tell the right hon. gentleman, in

passing, that of all the liberal views and enlightened sentiments which he had yet avowed, there was none which had made him so entirely popular throughout the land as the treatment of his gallant friend in the language which he had uttered within those walls, so honourable to the object to which he applied it—so much more honourable to himself. He trusted that the members of the holy alliance would extract a lesson from it, which would be useful to themselves and beneficial to the nations of Europe, when they saw, that by stripping him of those honours with which they had once eagerly loaded him, they could not strip him of any part of that regard which was felt for him by the people of England. He thanked the right hon. gentleman for so timely a censure, so just and severe a rebuke of those wretched, base, and groveling assailants, who were ready to fall upon his gallant friend with every weapon which meanness and malice could supply, because they thought that, as he was already beaten down by power, he must continue prostrate on the earth. Still the conduct of the right hon. gentleman, with every proper feeling of respect and attachment to him on account of his sentiments and professions, had not been such as he ought to have pursued towards one situated as his gallant friend then was. He had learned with astonishment, that the right hon. gentleman had confessed that, at the departure of his gallant friend for Spain, he had given information of it to the French government, and that no explanation had been demanded of him in consequence of that communication. But surely this was a strange way of proceeding. The right hon. gentleman might have safely stayed until there had been a crime committed—until it had been charged and proved, and urged as matter of complaint by the French government. There was one position which the right hon. gentleman might, in any case, have taken up, if the court of France had dared to call in question the conduct of English subjects assisting the Spaniards in the war; and that would have been to have put the onus of proving the fact entirely on the French government. Instead of which, the right hon. gentleman had bespoken the clemency of the French government, in case his gallant friend should fall into their hands, because according to some notions which were to be found in Grotius or Vattel, it would appear that the crime was not of so guilty

a nature, as to the subjects of a neutral power assisting either of the belligerents in a war. Surely this was a hint which might have been spared! It appeared to him, that the right hon. gentleman had introduced into his communication one of the strangest pieces of frankness ever known to have taken place between two governments. What had France to do with Vattel, or Grotius, or the law of nations? If they had entertained the least regard for the rights which the writings of those jurists went to inculcate, they would never have entered Spain as they had done, under the pretence that she had violated the anti-monarchical principles to which the members of the holy alliance were pledged—they would never have invaded Spain as they had done, under the most base, hypocritical, and atrociously false pretences. He was of opinion that the politeness of the right hon. gentleman might have been spared, and that the French government was by no means deserving of it. He knew it was thought incorrect to express himself with this degree of freedom upon the conduct of foreign governments. Lectures had been read of late to some of his honoured friends upon diplomatic etiquette, and political decorum in debate. If it were only to speak of those foreign powers as of kings and emperors ruling within their own states, and administering the affairs of their own governments, he would be the last man to countenance, or in any way pander to the base and vulgar spirit of detraction, which was only opposed to those of high station, on account of the advantages to be derived from it. But, it was a question of interference with other states—with the rights of all other people, as well as those of their own states; and this was the only place where the conduct of those princes could be called in question. This was almost the only assembly in which the aggressions, and bloodshed, and violence, and injustice of the invaders of Spain could be safely denounced. And how could mankind be the better, supposing those who objected to the strictures of the British parliament could succeed in silencing them? It was a beautiful and a just remark, which Mr. Fox had made in his history, when objecting to the injustice of Hume in violating the spirit of history by qualifying the vices of princes, by softening the colour of their abuses and oppressions, and setting up apologetical and sophistical language in defence of

one prince in particular, that he was thereby removing almost the only check which mankind could possess upon the conduct of despots; for sovereigns, desirous of standing well with posterity, would do much in the way of thwarting their own inclinations, to secure some portion of that distinction—an ambition which could not be hoped from them, if once they were taught to expect that their faults would be varnished over, and that their crimes would go down to remote ages with a gloss upon them, which would preserve their memories from dishonour. For the interests of truth, therefore, they should not abate the force of their expressions; especially as they must feel certain, that the House of Commons was the only assembly in which the truth could be openly and safely declared.—One argument for the bill was, that it would expire in two years; and, if that argument rested on principle, he did not see why they should keep it alive so long. This appeared to him to be the strangest reason of all for its continuance. What was there in the principle, which was not as objectionable now, as it could be then? Why, in short, should the government want a power to deal with aliens otherwise than with native subjects? And, if rights there really were, by which foreign governments could call for interference as to the treatment of aliens resident, and if, as a matter of consequence, our own government must have a corresponding power, why was this power not to be defined by law as well as the other powers of the state? Why should the extent and exercise of it be left in the breast of the executive government, contrary to the appropriation of all other powers?—As to the three secretaries of state, there was nothing in their opinions of foreign affairs to prove them particularly trust-worthy, as to the possession of this power; though it had been put forward, as if it were not the principle but the persons who were to have the use of it, which the House had to consider, and as if they themselves were not so much at variance as to make it impossible to say to which side their opinions would incline upon any given subject. The right hon. secretary for home affairs, for example, thought that the aggression of Austria was a justifiable proceeding. That, he believed, was not the opinion of either of the other two secretaries. But, the mischief of it was, that

this variance of opinion would do nothing for the liberal part of the argument. Each of them might, perhaps, choose a different class of subjects for the operation of this law; and thus the poor aliens might find themselves in the condition of the man with two wives, whose head was party-coloured—one pulling out all the white hairs, and the other all the black, until he was left with a bare scalp.—Upon another part of the subject, he could not hinder himself from venturing a remark or two, as to what had been advanced respecting the opinion of Mr. Serjeant Hill, with which it was asserted that Mr. Pitt found himself supported, on introducing this bill for the first time. Since the discussion a few nights ago a learned friend of his had, by indefatigable research, recovered that opinion from among the papers of that eminent lawyer, and though it had been asserted, over and over again, that the opinion was in favour of the powers given by the bill, the fact was otherwise.—There was another consideration belonging to this subject, which did not attract sufficient attention. Mr. Serjeant Hill, though admitted to have been one of the greatest lawyers of his time, was generally supposed to be ignorant on worldly affairs. He did not, however, show himself altogether ignorant of the nature of a majority in that House, though he never had a seat in it. The Alien bill was not the only subject upon which Mr. Pitt had found it convenient to consult him. His opinion had been asked by the same minister upon a doubtful legal point in the regency bill. The answer of serjeant Hill had been tolerably well preserved; the legal point was now not known. It was reported that the following conversation took place between Mr. Pitt's agent and serjeant Hill:—"Pray is Mr. Pitt tolerably sure of a majority voting for this bill in the House of Lords?" Answer.—"He has pretty good reason to believe, that he is there sure of a majority." Question.—"And has he as good reason to expect a majority in his favour in the House of Commons?" Answer.—"He has no doubt whatever of a majority in the lower House." "Then what can it signify to you how the law stands, seeing that the majority will be with you, propose whatever you will?" So that the learned serjeant knew pretty well of what materials that House was composed, without having enjoyed the honour of a seat in it—with-

out being a member of that parliament which violated the principles of common arithmetic, by declaring that a piece of paper worth 15s. was actually worth 20s., and immediately afterwards passed another law to punish those who refused to acknowledge that it was worth 20s. Nor was the learned serjeant a member of that parliament which, when called upon to inquire into the conduct of the war, voted, without investigation of facts and circumstances, without reference to witness or testimony of any kind, that the conduct of ministers in prosecuting the war deserved the approbation of the Crown and the parliament, and the confidence and gratitude of the country. No wonder that the censorious, and that portion of the people who were suspiciously inclined, should, after transactions such as these, be too apt to consider the power of the House of Commons as a fanciful ornament—a sort of useful tail to the high-flying kite of prerogative! They were constantly told of the dangers of innovation—of the excellence of that which had existed for so long a period—of the perils of alteration. Upon this principle, every thing was found defensible. The usury laws were not to be altered, because the country had flourished and grown up to a state of unparalleled prosperity under them. The game laws must not be touched, because they too had contributed towards the prosperity of the country. The poor-laws were by no means to be altered. “What! take away the comforts of the poor?” Even the abolition of that infamous traffic in human flesh, the slave trade, had been resisted on the ground of settled laws, under which the country had risen to the highest station of political glory and commercial greatness. The argument was, to say the least of it, as applicable to the principle of this bill, which was strange in the practice of the constitution. He could not but recal to their minds the words of an eloquent person, who, though he was in his time the greatest of all renegades from the principles of his early life, was glad to seek shelter from the storm of political adversity which buffeted him towards the close of his career. Lord Strafford, on finding that he was, in his turn, to become the victim of those plots and designs, in the invention of which he had assisted, by doing all in his power to raise up and strengthen the principle of constructive and accumulative treasons, did not hesitate to appeal to those bet-

ter principles from which his life had been a continued deviation. “We have lived, my lords, happily to ourselves at home: we have lived gloriously abroad to the world: let us be content with what our fathers have left us: let not our ambition carry us to be more learned than they were, in these killing and destructive arts. Great wisdom it will be in your lordships, and just providence, for yourselves, for your posterities, for the whole kingdom, to cast from you, into the fire, these bloody and mysterious volumes of arbitrary and constructive treasons, as the primitive Christians did their books of curious arts, and betake yourselves to the plain letter of the statute, which tells you where the crime is, and points out to you the path by which you may avoid it.” So would he now say of the Alien bill. That without which the country had done from 1688 down to the time of Mr. Pitt, and done safely, could not be absolutely necessary to preserve the state now.

He thought that the bill must impose difficulties on the government itself. Suppose the Russian minister were to inform the right hon. gentleman that certain subjects of the Autocrat of all the Russias were plotting and carrying into effect designs against the government of Russia, and was to require them to be sent away accordingly. If there were no Alien bill, the answer to such a proposal would be clear—“We do not possess the power: you must first show that these people are offending against our laws.” But, while the Alien bill existed, the claim of the Russian minister would be reasonable and just. He might say, after producing the most unquestionable proofs of the truth of his statement—“For what purpose have you the power of the Alien bill in your hands, if you cannot apply it in this case?” He might even go further than this. The Russian minister would be at liberty, according to reason and justice, to withhold the proofs if they were demanded, and compliance could not in reason be refused; because the act was good for nothing whatever, if it could not allow ministers to accommodate thus far those governments which were in alliance with our own. Surely this was a dilemma in which a government ought not to be placed. Suppose, further, that a refusal were given to the request of the Russian minister: perhaps angry language might occur—perhaps the case would be

such, that our good friends the French might find it necessary to offer their mediation. They would hear the merits of it from each side, and then they would, in all probability, advise the British government, "Oh, you had better give him up—it is only one man, an obstinate man, a wrong-headed man"—(for this was sure to be the character of any man who became obnoxious to arbitrary power)—"let him go, he'll only cause you trouble; send him to Russia, and be rid of him; a refusal may involve you in war; and then think of your 800 millions of debt—your House of Commons won't support you in any more war expenses." Were the government to be so placed, and were France so to mediate, and it came to the question of what choice should be made between war on the one hand, and baseness on the other? he trusted that there would be no hesitation between those alternatives. But, war was an evil to be deplored; and the best way to avoid it was not to preserve in existence those powers, the exercise of which could only compromise our safety.

His honourable friends had been taunted as to their views and motives in their opposition to this bill. For his own part, he could conscientiously say, that he had nothing at heart in it but the honour and interests of England. It appeared to him, that this was a power which it was not necessary for the government to possess, which it had not hitherto possessed, from the very want of which the country had grown and flourished beyond any other; a power which no great statesman would ever wish to have, but would be rather glad to get rid of, not at the expiration of two years; but as soon as the House of Commons would allow him to depose it, as a weight of grievous and inconvenient responsibility.

But, it seemed that the bill was not to have been renewed, even for two years, had it not been for a plot which was discovered just a fortnight before it was about to expire. What a most seasonable and opportune plot! It would delight him to be let into the whole of the secrets and mysteries of it. What did the parliament know about it? These plots were brought to light with surprising convenience; but then they had generally tended to injure the public liberties—to the suspending of the Habeas Corpus act, and placing life and personal freedom at the disposal of ministers. Really, to

consider the use that was made of these plots, and the measures which followed upon them, was enough to destroy all belief in them. One might almost imagine, for instance, that the inventor of this last plot was some miserable tool of the French police—some needy, mercenary wretch, who had been hired to invent the crime of which he was afterwards to have himself accused, in order to the passing of this act once more. This method of leading the country on by plots, at one time to the detriment of natives in the suspension of the Habeas Corpus act, at another to the injury of foreigners under the Alien bill, made the two right hon. secretaries for home and foreign affairs seem very like the two kings of Brentford, who were described in the play as smelling at the same nosegay. At last, the parliament would believe nothing about plots—as the country did already—except that they were plausible pretexts for passing measures which no minister would venture upon without one. Not that he believed that ministers went the lengths of baseness and iniquity, or that they countenanced them, to the degree practised by their own agents. It was impossible to believe, for example, that lord Sidmouth had commissioned Oliver to go into the northern counties, and foment disturbances, of which no part existed before, just a week before the suspension of the Habeas Corpus Act was to expire. He was convinced, however, that this bill was not the best method of governing the country, in regard to those objects which it professed to comprise. If the power itself were necessary to the carrying on of the government, it ought, in the course of the eight years during which the bill had been in operation, to have been moulded into a more constitutional shape. It was said, that it was not much for them to wait a year for the expiration of this bill: but, if this was all that could be urged, it was not much for government to give up the bill a year before the time in which, on account of the worthlessness of its principle, they were induced to let it expire. He would, therefore, support the amendment for reading it a third time that day six months. The right hon. gentleman had advised his noble friend (lord Althorp) to try his hand at an alien bill with less objectionable modifications than this. But, why should his noble friend be called on to do the work of government? As well might his noble

friend say, with respect to the County-courts bill, that he would leave the evil where it was, and each man should be allowed still to grasp what he could of his neighbour's goods without fear of being made responsible to equal laws. It was the advantage of a constitutional system of government, that the measures were suitable to the necessities of the times. That would be the ambition of a constitutional administration, who ought never to have recourse to these clumsy expedients, nor subject themselves to the accusation, that, while observant of the lesser attributes, they were forgetful of the great things of the law, mercy and judgment. He could not give his sanction to a bill which interfered with the security, the freedom, and the happiness of foreigners who came to this country, trusting to its hospitality, and not apprehending that they would be made the victims of arbitrary power.

Lord John Russell said, that no man would venture to say that the government should be exposed to the demands from foreign powers to which this bill subjected them. The ground of a supposed conspiracy, against a foreign state, was a fallacy in terms. In a conspiracy there must be not only actors, but a subject to act against. In a conspiracy set on foot in England against a foreign state, there was only one of those ingredients. The conspirators, while they observed the laws of the country, transacted nothing; it was only conversation—it was the shadow of a conspiracy, without the substance. Government could have no right to inquire into a conversation between particular persons, merely because they happened to bear a particular national character. If so, what conversation would be safe? Every man might be made responsible, in turn, to some aggrieved foreign government. If a man were to speak ill of the supremacy of the Pope, he would be objected against by a government which maintained the Pope's supremacy. Government could have no other fair method of treating aliens than by the laws which subjected its own people. Foreigners must have the same liberty of speech as natives. It was only acts of hostility against a foreign government which could be properly resented—such as the marching of troops against them, and the preparing of armaments. This might and did happen in the invasion of Spain. But, it could never be charged against any

one residing in England. There could be no levying of troops or preparation of arms, without bringing them to the open ports of the kingdom; and then, indeed, and not before, the responsibility of this government, to others at peace with it, would commence. So far there was ground for just and reasonable precaution; but certainly none was needed as to foreigners residing in the interior of the country; such foreigners could only be bound by the laws which bound the natives. He rose merely to express his hope, that as this bill was not needed for the good government of the country, it was the last time he should ever have an opportunity of addressing the House upon the subject, convinced as he was, that after the expiration of it, they would look back to it as a measure which ought never to have been sanctioned.

The House divided: For the third reading 93; For the amendment 43; Majority 50.

List of the Minority.

Abercromby, hon. J.	Leader, W. L.
Allan, J. H.	Lennard, T. B.
Althorpe, visc.	Leycester, R.
Baillie, col. J.	Maberly, W. L.
Baring, sir T.	Mackintosh, sir J.
Benyon, B.	Martin, John
Bernal, R.	Monck, J. B.
Calcraft, J. H.	Moore, P.
Calvert, C.	Normanby, visc.
Calvert, N.	Nugent, lord
Carter, John	Palmer, col.
Clifton, viscount	Pelham, J. C.
Curwen, J.	Philips, G.
Davies, T.	Rice, T. S.
Ebrington, visc.	Rickford, W.
Evans, W.	Smith, W.
Fergusson, sir B.	Stanley, hon. E. C.
Gaskell, B.	Warre, J.
Grattan, J.	Williams, W.
Gordon, R.	Whitmore, W. W.
Hobhouse, J. C.	Tellers.
Hume, J.	Denman, T.
Kemp, T.	Russell, lord J.

Mr. Denman then proposed as an amendment in the body of the bill, that the words "two years" should be struck out, and the words "one year" inserted in their stead. The House divided on the question—"that the words proposed to be struck out stand part of the bill:" the numbers were, Ayes 111; Noes 47; Majority 64.

The bill was then passed.

BUILDING OF NEW CHURCHES.] On the motion of the Chancellor of the Ex-

chequer, the order of the day for bringing up the report of the committee of supply on the grant for building new churches was read. On the question, "that the report be now received,"

Mr. *Hume* said, he could not allow the report to be brought up, being, as he was, so little satisfied with the reasons which had been given in the committee in support of the grant. He had already stated his opinion, that the money should not be voted, and after the length at which he had explained the grounds of that opinion, he felt it only necessary to say that he should now oppose the motion. First, because it was admitted by ministers themselves, that the money would not be wanted for three years to come. There had been no instance, he believed, in which the House had granted money, unless it was to be applied to the service of the year. It might have happened, that money had not been applied within that time; but that had arisen from some accidental circumstances, and had never been avowed by the ministers on their asking for the money. Secondly, he objected to the grant, because he thought the money required might be raised without the aid of parliament. He considered that the only object of the vote was, to increase the church patronage and church influence, already too extensive. He thought, too, that there were churches enough; and he did not believe that the number of persons who frequented them was increasing; but, on the contrary, that the zeal and ability of the dissenters were rapidly reducing the numbers of those who belonged to the church establishment. Thirdly, he thought the money, if granted at all, might be applied to better purposes; and for these reasons he moved, "that the report be received this day six months."

Mr. *Warre* had no hesitation in expressing his intention to support the vote. His hon. friend had spoken of a falling-off from the church; but had it never occurred to him, that this might proceed as well from the insufficiency of the churches, as from those qualities for which he gave the dissenters credit? He had reason to believe that there were many populous towns in which the people would eagerly attend the churches, if they had them, and if the duty were well done [hear!]. He said, "if the duty were well done," because he would not be understood to advocate the building of churches, unless the pul-

pits of those churches were to be ably filled. He was anxious, upon this part of the subject, that, when the bill should go into a committee, some mode might be devised, with respect to the nomination of the incumbents, that would give general satisfaction. With respect to the dissenters, nothing that he had ever said could be construed to imply, that he was not willing to extend, to them, not only toleration but the utmost indulgence. He was as desirous as any man could be, that every avenue to their civil and religious rights should be open to them. It was not in hostility to them, but in reverence to the church in which he was bred, that he wished to see it supported as became its dignity and the interests of the people. The dissenters used every means in their power by building chapels, to establish, and to diffuse their principles. The question, then, was, whether, upon the case which had been made out, and after an experiment had been tried, which had been perfectly successful as far as it had gone, the House should now refuse to grant an additional sum, to accomplish a purpose so important and so necessary to the established church. The hon. member concluded by saying, that he had been induced to address these observations to the House, because he was not willing to give a silent vote upon an occasion in which he was compelled to differ from those with whom he usually acted, and for whose judgment he had the highest respect.

Mr. *W. Smith* said, the fact of the number of dissenters having so extensively multiplied, had been, he thought, too hastily assumed. He had known a parish where there was no dissenting chapel, but where the church had been abandoned because it was badly served. In the city which he had the honour to represent, there were 37 churches, and yet there was no place in which there were so many dissenting chapels, and so well filled. This, he believed, arose from no insufficiency, nor want of activity, in the clergymen of that city, who were in every way highly respectable; but he thought that, in this, as in every other case, it was caused by accidental circumstances, which applied to particular places. With respect to what had been said of the mode of appointing clergymen by election, he must observe, that he saw nothing objectionable in that mode. It had been said, that it was derogatory to the dignity of the

church to submit to canvassing. Among the dissenters no such canvassing was practised; and as to the dignity, he thought the true dignity was in their utility. Almost the only objection he had to this vote, was, that no pains had been taken to ascertain whether the money which was required could not be supplied from some other source. When the church emoluments should be inquired into, and it should be found that no portion of them could be better applied than they were at present, he would willingly vote for this, or for any other sum; but until then, he must be excused for withholding his assent to the vote.

Sir *R. Fergusson* declared, that the grant proposed was a most useless application of the public money. He knew, of his own knowledge, that in a parish of Edinburgh, where the population had rapidly increased, two new churches and a chapel of ease had been built by public subscription within these few years. The principle observed in these churches was, to admit mere paupers free of any expense, and to charge mechanics, and persons in decent employ, a shilling a year for a seat. He much wished that the parliamentary grant were let alone, and had no doubt of soon finding places of worship, wherever a real necessity existed for them.

Sir *Isaac Coffin*, as an orthodox churchman, would vote for this grant. During the latter part of his life, he had found by experience, that there was a lamentable increase of those devil-killers, called methodists—such an increase as, he was sure must eventually undermine the church of England. These methodists were such rooting fellows, that let them once get into your house, they would soon get into the kitchen, from the kitchen they would get into the cellar—and the inevitable consequences among servants, were, prostitution and dishonesty [A laugh and cries of hear.]

Mr. *Butterworth* said, he should vote for the grant, not on account of the increase of dissenters, but on account of the increase of infidelity. He was sorry to have heard, the other night, a most respectable society, he meant the Home Missionary society, spoken of in a harsh way by an hon. and learned gentleman (Dr. Lushington), whom he did not then see present. He knew that society to be a most useful and meritorious body. He knew that it sent missionaries to instruct

the people, into hamlets where there were no church of England, nor any other ministers. He was most sorry to hear the ridicule with which religious subjects had been treated. If the bible were true—and if it was false, all they were doing was a farce—nothing connected with it should be treated with ridicule; for such a tone taken by persons of weight and character, in that House, did more harm than the publications of Carline, Hone, and people of that description. He should support the vote, on account of the increasing population of the country, and because he approved of the Liturgy of the church of England, which was founded on the doctrines of the bible. He thought, however, much more good might be done if they gave the subscribers to the erection of churches some share in the nomination of the ministers. He knew a friend of his, who had subscribed 1000*l.* to the erection of a chapel, and was now unable to enter it, because the character of the minister was not what that of a church of England clergyman should be. The hon. member for Medhurst had said, that the money would be better applied to increase the number of schools than that of churches. He was as zealous a friend to schools as the hon. member could be; but he thought that nothing would more conduce to the increase of schools, than adding to the number of places of worship. He was sorry to observe in the course of the debate on this subject, that some gentlemen seemed to think that they could not support the church without casting reflections on the dissenters. Though attached to the church, he knew many dissenters who were as useful members of society, and as loyal and meritorious, as any men in the kingdom.

Mr. *T. Wilson* thought the question was not, whether the existing churches were large or handsome enough, but whether they were adapted to the congregations they ought to hold. Any one who looked at the churches of our ancestors must be satisfied that they were built for the rich, and not for the poor. For the latter there was generally a solitary bench; while the former never experienced any difficulty in obtaining seats and accommodation because they could afford to pay for them. The proposed system alone provided for the spiritual comfort of those who had been hitherto almost forgotten.

The House divided; For the original motion 144. For the amendment 34.

List of the Minority.

Althorp, visc.	Maberly, J.
Baillie, col. J.	Maberly W. L.
Bernal, R.	Martin, J.
Birch, J.	Monck, J. B.
Bright, H.	Normanby, visc.
Calcraft, J. H.	Nugent, lord
Cavendish, C. C.	Philham, J. C.
Colborne, N. W. R.	Philips, G.
Craddock, S.	Rice, T. S.
Davies, T.	Rickford, W.
Denman, T.	Robarts, A. W.
Duncannon, visc.	Seston, earl of
Grattan, J.	Smith, W.
Hobhouse, J. C.	Wharton, J.
James, W.	Whitbread, S. C.
Ingilby, sir W.	
Kennedy, T. F.	Tellers.
Lambton, J. G.	Fergusson, sir R.
Leycester, R.	Hume, J.

[GAME LAWS AMENDMENT BILL.]

The House having resolved itself into a committee on this bill,

Mr. S. Wortley, upon the clause providing for the punishment of night poachers and persons found with guns by night, moved, that after the word "game," the word "rabbits" be inserted; which amendment was agreed to.

Mr. Mundy observed, that in the case of the trial of these poachers, there was a prejudice, that the justices of the peace, being themselves sportsmen and game preservers, would strain the law in order to punish poachers. He therefore wished to take away a suspicion so injurious to the administration of justice. He had intended to transfer the jurisdiction, in all trials for the third offence (which subjected the poacher to transportation), to the justices of assize and gaol delivery, instead of the quarter-sessions. It had been objected, that many prisoners would rather be tried at once by the quarter-sessions, than lie in gaol till the assizes. He should, therefore, give them the option and would move an amendment to the following effect:—"Provided, that any person to be tried for such offence, shall, at the choice or option of such person, be bound over to be tried either at the general quarter-sessions of the peace, or before the justices of assize and gaol delivery."

Mr. S. Wortley appreciated the object of the amendment, and thought that, if any impression of a want of justice on the part of the magistrates existed, it would be well to remove it by transferring the jurisdiction to the judges of the land; confident, as he was, that the latter

would see the necessity of repressing those who made a habit of preying nightly on their neighbours' property.

The amendment was agreed to.

Mr. S. Wortley said, that as the law stood at present, no person was allowed to appoint a gamekeeper but the lord of the manor. Now, he thought every proprietor who had land enough to make it worth his while to do so, ought to have this privilege. The quantity of land so to entitle him, he would fix at 500 acres; a quantity for which he found a precedent in an act that passed some time since, permitting the nomination of gamekeepers under certain circumstances, in Wales. The hon. gentleman then moved a clause to that effect.

Colonel Wood was sorry to hear his hon. friend propose this clause, which, like some others in the bill, had thrown round it a great deal of unpopularity. It might now be fairly objected, that there would be ten lords of the manor for one. As to his hon. friend's precedent, the fact was, that in Wales there were large tracts of land that were not included in any manor whatever, and it became necessary to take care, by the appointment of gamekeepers, of the game upon them. For his own part, he believed, that at present there were no greater poachers than the gamekeepers themselves, and that so far from preventing poaching, they supplied half the game that was sold in London. The consequence of this clause would be, that every farmer of 500 acres; would nominate his own son his gamekeeper, and thus spoil a good farmer, and perhaps make a determined poacher. He saw no necessity for the clause.

Mr. J. Wharton thought the objections of the last speaker totally unfounded.

Mr. Monck thought, that if the committee were aware of the extensive powers that were vested in gamekeepers, they would decidedly oppose this clause. The 5th of Anne had very properly confined the power of nominating these keepers to the lords of manors. The statute of Charles enabled them to seize guns and dogs, and search houses; but after that act, came the 4th and 5th William 3rd, by which gamekeepers were expressly authorised to resist all nightly offenders, in the same manner as if the offence had been committed in an ancient forest. Now, that enactment expressly referred to the oppressive law, 21 Edward 1st, by which it was declared, that if a tres-

passer in a forest did not stop when desired by the gamekeeper, he might be killed, and the gamekeeper should not be troubled. And this act, be it remembered, was still in force. He himself knew of a case in which, under very similar circumstances, a gamekeeper had fired at a mere trespasser, and so wounded him as to make him a cripple for life.

Mr. *Peel* said, his impression was very strongly in favour of the omission of the clause. He thought that, as it stood, it was likely to be productive of considerable litigation. As the general voice seemed to be so strong against it, he would request his hon. friend to withdraw it.

Mr. *S. Wortley* observed, that the power of the gamekeeper was limited by the first clause of the bill, yet he had no objection to withdraw the clause, as it seemed to be the wish of the committee.

The next clause was, that no person except gamekeepers should set snares for game.

Colonel *Davies* objected to the clause, as it was at present worded. It would give the owners of small parcels of land contiguous to large estates, an opportunity of killing the game of their neighbours. He would propose, that the privilege of setting snares should be limited to persons possessing 100 acres, or entitled to the game on that quantity of land.

Mr. *S. Wortley* said, that at the end of the clause there was an exception in favour of persons using snares on their own land. The clause only went to prevent the use of such snares on lands not belonging to the parties, they not being appointed as gamekeepers on such lands, and to empower parties to seize any such snares, except they were set by the owners of the land, or by his or their permission,

Colonel *Davies* thought the clause still objectionable.

Mr. *S. Wortley* said, the principle of the bill was, to make game property, and that being the case, it was but natural that the owner of the land should have the power of destroying the game on his own grounds. In some cases, this would no doubt be productive of inconvenience, but it was but just that the poor man, whose small parcel of land was contiguous to a great preserve, should have some means of remunerating himself for the injury done to his land by the game of his neighbour.

Sir *J. Shelley* said, he had objected to the principle of the bill, because he thought its effect would be to destroy all the game in the country; but the privilege of setting snares would precipitate that destruction, and was therefore peculiarly objectionable.

Sir *J. Sebright* denied that farmers were always remunerated by lower rents for the destruction caused by game. He wished those who fed the game, to have the property of it, and therefore hoped the clause would not be given up.

Mr. *Peel* thought it erroneous to suppose that game would be destroyed by the effect of this clause. He had no doubt, that in ninety-nine cases out of a hundred, the effect of it would be, a composition between the rich preserver of game and his poor neighbour, by which the former would give something for the injury done to the latter, and for the right of following and killing game on his land.

The proposition of colonel *Davies* was negatived, and the clause was agreed to, with some verbal amendments. Several other clauses were then agreed to without discussion, and the House being resumed, the report was ordered to be received on Wednesday.

HOUSE OF LORDS.

Tuesday, April 13.

NEWFOUNDLAND JUDICATURE BILL.]

On the order of the day for the second reading of this bill,

Earl *Bathurst* rose, shortly to explain to their lordships the state in which the administration of justice at present stood in that island, and the alterations it was proposed to make by the present bill. Until the year 1791, there had been no regular courts of judicature in Newfoundland, although that island had then been nearly two hundred years in our possession. In the early period, it had been so much an object to discourage a sedentary fishing establishment, that no care was taken to appoint courts for the administration of justice; and there had grown up, from the wants of the people, courts, over which persons presided, who were called admirals, vice-admirals, and rear-admirals. In 1791, however, a law was passed, establishing both civil and criminal courts; in the supreme court one judge presided, who decided both in civil and criminal cases, and in the latter he was

assisted by two assessors of the Surrogate courts. Many complaints had been made, and it had been found difficult to procure jurors. But of the courts presided over by naval officers, no complaints had ever been made. By the present bill, it was proposed to appoint a supreme court of justice, having for chief judge some person who shall have been called to the bar. He was to be assisted by two other judges, and, in the first instance, it was supposed not necessary that these two other judges should be barristers. It was apprehended that some difficulty would be found in procuring barristers to go out of the country; but, on further deliberation, it had been resolved, that the two assistant judges should also be barristers. These three judges were to have the administration of justice both in civil and criminal cases, and also the jurisdiction of the vice-admiral. The Surrogates were to be abolished. Circuit courts were to be established, and the island was to be divided into three circuits and each of the three judges would go one of the circuits. In the first draft of the bill, considering the difficulty which had been formerly experienced in finding proper persons to act as jurors, it was proposed, that trial by jury should not be the form; but though it was of great importance, when the Surrogates were persons not learned in the law, to have intelligent jurors, the same difficulty did not exist when, as proposed by the bill, the judges were all to be barristers. In criminal cases, therefore, it was proposed to have juries. By the bill also, quarter-sessions would be established in different places. Adverting to the question of marriage, his lordship said, that formerly much confusion had existed in Newfoundland as to solemnizing marriage. In 1817, a law was passed giving validity to all marriages celebrated by any person in holy orders. The marriage act did not extend to that island, where marriages were regulated by the common law. He would propose that the bill of 1817 should be repealed, and so much of it re-enacted, as would enable dissenting clergymen and Roman Catholic priests to solemnize marriages under certain regulations.

The Earl of Darnley observed, that if certain alterations in the system of judiciary had not been proposed to be made, he should have had a petition to present on the subject. He was happy to under-

stand that the trial by jury, which had been taken away, was to be restored.

On the suggestion of lord Holland, lord Bathurst agreed to divide the bill into two bills.

HOUSE OF COMMONS.

Tuesday, April 13.

DUBLIN COAL TRADE BILL.] Mr. S. Rice presented a petition from the merchants and traders of Dublin against the Dublin Coal bill. The petitioners considered the measure proposed by the hon. member for Dublin to be most injurious to their interests.

Mr. Ellis maintained, that the bill was calculated to remedy a system of gross fraud and injustice, which had been long carried on in the coal trade of Dublin.

Mr. Curwen presented a similar petition, signed by four hundred merchants and ship-owners, trading between Dublin and Whitehaven.

Lord Lowther observed, that the opposition to the measure was by no means general. On the contrary, he believed, the bill met with the approbation of a majority of the persons interested.

Mr. Curwen was surprised to hear the observations which had fallen from the noble lord. A petition against the bill would shortly be presented from Whitehaven, in which the same sentiments would be still more strongly enforced.

Mr. S. Rice said, that this measure had created the greatest interest in the city of Dublin. The chamber of commerce, and other most respectable bodies, had petitioned the House against the bill, and not a single petition had been presented in its favour.

Mr. Grattan said, that the strongest objections to the bill were generally entertained in Dublin.

Mr. Dawson maintained, that the bill was calculated to rescue the inhabitants of Dublin from the fraudulent and iniquitous system on which the coal trade was conducted in that city.

Sir J. Newport said, that if the hon. member would look to the signatures of the petition, he would find that it had been signed by the principal merchants and inhabitants of Dublin. He believed, in his conscience, that the bill had no other object than to legalise the exactions of the corporation of Dublin.

Mr. Kennedy said, that the tax on coals levied by the magistrates was equal to

more than double the amount of the king's taxes on that commodity. The ship-masters and other persons interested in Scotland, were unanimous in reprobating this measure, and he should certainly give it his decided opposition.

Mr. *Ellis*, in moving the second reading of the Dublin coal-trade bill, said, that the great object of this measure was, to remedy a system of unheard-of frauds in the sale of coals in that city. Most of the petitions against the bill came from a class interested in the continuance of that system; with the exception of the petition from the chamber of commerce, which was, undoubtedly, entitled to serious consideration, and some of the suggestions in which he had himself adopted. The coal trade in Dublin had been regulated by an act of parliament, brought in by his distinguished predecessor, the late member for that city, Mr. *Grattan*, and most of the provisions in the present bill, which was supposed to have excited so much alarm, were the same as those which had been suggested by that distinguished statesman. That bill, however, had been inoperative, in consequence of the impossibility of carrying into effect the severe penalties which it imposed, and it had become necessary to introduce new regulations on sounder principles of commercial policy. The right hon. member for Waterford had expressed his conviction, that the real object of this bill was to legalise the exactions of the corporation of Dublin. He could only say, that if such had been the object of the bill, some other person must have been found to bring it forward in that House. He would no more lend his aid to the object of legalising the exactions of the corporation of Dublin than the right hon. baronet. So far was this, however, from being the object of the bill, that the effect of it would be, to diminish very considerably the power of the corporation. The real objects of the bill were three—first, to secure the quality of the coals sold, and to prevent them from being sold under false denominations; a species of fraud which was carried to a great extent in the city of Dublin. This would be effected by regulations requiring a strict designation of the port from which the coals came. The second object of the bill would be, to provide that the due weight of coals should be sold to the consumer. The third object which he had in view was, to regulate the sale of

coals to the poor by carters going about through the streets, and what was proposed was, to compel those persons to carry certificates of the quality of the coals, under a penalty of 40s. If in the progress of the measure it should be found to contain any objectionable clauses, it would be open to any gentleman to oppose them on the third reading of the bill.

Mr. *Grattan* said, the hon. and learned gentleman had made an allusion to a bill which had been introduced by his father; but the House must perceive that, although the penalties of that act were severe, it was very far indeed from conferring the summary powers which were proposed to be granted by the bill now before them; such as empowering the Lord Mayor, without bail or mainprise, to commit persons to prison. The proposed measure would throw impediments in the way of all the coal-dealers in the country, of the corporation of the city of Dublin, or of the hon. and learned gentleman who was their organ; but he thought, that the House ought not to consent to a measure for the purpose of gratifying a party from which neither the country at large, nor the city of Dublin, would derive any benefit. He should therefore move that this bill be read a second time this day six months.

Mr. *Dawson* said, he would take upon himself to affirm that this bill was looked forward to, with great expectation and satisfaction by the most respectable citizens of Dublin. The poor of Dublin were at present completely at the mercy of the coal-factors. The law gave them the power of going to the vessel's side to purchase coals, and also allowed the appointment of coal-meters, but he thought it would be a great advantage if the duties were confined solely to the coal-meters. Now, this was proposed to be accomplished by the present bill.

Sir *H. Parnell* read an extract from the petition of the chamber of commerce, which stated that every clause in the bill contained a restriction, and every restriction was accompanied with severe penalties. This statement fully marked the objectionable character of the measure.

Mr. *Philips* thought the measure most unwise, for it went to restore all the old prejudices of trade, against which the House had been so long contending. It proceeded upon the principle, that all the coal-dealers were knaves, and all the

buyers fools. It would have been much better for the learned gentleman to have adhered more closely to the principle of the bill of the late Mr. Grattan. Instead of repealing that act, the learned gentleman now proposed a measure which was more objectionable in every respect.

Mr. *Curwen* said, that as the learned gentleman had abandoned three-fourths of his bill, he would recommend him to abandon the remainder, and leave whatever regulations were necessary to the committee on local taxation, from whom it would be much more suitable that the bill should originate.

Sir *R. Shaw* said, that although there were some clauses in the bill, to which, in their present state, he might object, still, with the explanations that had been given by his learned colleague, he thought it would be desirable to go into the committee.

The House then divided; For the bill 34. Against it 47.—Majority against the bill 13.

HAMMERSMITH-BRIDGE BILL.] Mr. Byng moved the order of the day for the second reading of this bill.

Mr. Serjeant *Onslow* opposed the motion. The measure he considered to be perfectly uncalled for. There were already two bridges, Kew-bridge and Putney-bridge, within a mile and a half of the site of the intended bridge, which would lead to a part where there were at present hardly any inhabitants. Private rights ought not to be thus invaded; and, if this bill were passed, the rights of the proprietors of Kew-bridge would be materially injured. But, leaving private interests out of the question, this appeared to be a measure that was not called for by the public, either in Middlesex or Surrey, and therefore he should move, "that this bill be read a second time this day six months."

Mr. *Hume* hoped the learned serjeant would be induced to wave his opposition to the measure. The learned serjeant did not, and could not, argue that bridges were not a great accommodation. All he said was, that there were already two bridges in existence, one above, the other below the place where it was intended to erect the new bridge; and he considered that the interest of the proprietors would be affected if an additional bridge was built. But, supposing that to be the fact, still it did not form an objection to the

principle of the bill, which was founded on public convenience. It ought therefore to go to a committee. If on examination it appeared that the interests of individuals were affected, a proper compensation might be awarded to them.

Mr. *Sykes* said, that the proprietors of Fulham-bridge had a right, if the present measure were carried, to come before the House and demand compensation for the bridge, which they had built for the accommodation of the public. Unless proper compensation would be afforded to those parties, he should certainly oppose the bill.

Lord *Lowther* did not think that the individuals on whose behalf compensation was demanded, deserved that extensive remuneration for which gentlemen contended. They had taken good care to pay themselves handsomely, by the exaction of extravagant tolls. Persons frequently passing and re-passing Putney-bridge paid nearly as much in the course of a year, as they could rent a house for. He hoped the bill would be read a second time. The question of compensation could then be examined in a committee, and the parties interested would probably be induced to come to some compromise. At all events, it was most desirable that this bridge monopoly should be put an end to.

Mr. *Denison* believed that the tolls allowed to did not amount to more than 9,000*l.* or 10,000*l.* a-year. But, if they were as high as 15,000*l.*, those who owned them had a right to claim compensation. That being admitted, he was favourable to the measure. He was glad to see the superfluous capital of the country laid out in that manner. It was much better to employ it thus, than to throw it away on Utopian speculations.

Sir *F. Ommaney* spoke in favour of the bill, and complained strongly of the insecure state of Putney-bridge. Not long since, a friend of his happened to be riding over that bridge, when the fore-feet of his horse sank into a hole, and both horse and rider were placed in a most perilous situation.

Mr. *Lockhart* contended, that the interests of parties connected with the other bridges in the neighbourhood ought not to be neglected. Unless an assurance were given, that they would be properly compensated, he should give the bill every opposition in his power.

Mr. *Curtis* was friendly to the measure.

The question of compensation might be considered in the committee.

Sir *J. Yorke* opposed the bill. It might be very well to individuals to have good level roads to walk upon; or, to use a homely phrase, that they should have an opportunity of steering to any point of the compass they pleased; but it was really a heart-rending thing, when roads were cut in every direction round gentlemen's estates, which previously were quiet and retired. The House ought to consider this, and pause before they passed the bill.

Mr. *Byng* defended the measure as one of great public utility. As to compensation, that was a point which could be best considered in the committee.

Sir *J. Graham* said, the intended bridge would be of no use, unless new roads and approaches were made in its neighbourhood; and this could not be done without sacrificing property to a great extent, as was the case with the Southwark-bridge. It was a measure for which there was no necessity, since it would not save five hundred yards in the distance between London and Richmond, and therefore, in his opinion, it ought not to be countenanced by the House. They were told, that the question of indemnity to the parties whose interests would be affected might be settled in the committee: but, what indemnity could be derived from a bridge that would never pay a shilling to the subscribers? If indemnity were intended, it ought to be charged upon some certain substantial security. For his part, he thought it would be a mercy to the speculators themselves to prevent them from proceeding farther.

Sir *J. Sebright* said, that if the arguments of those who opposed the bill were to prevail, no public improvement whatsoever could take place; because, in every instance, it must interfere in some degree with the property of individuals. If they looked to their own times however, they would find that such arguments were not received as sound ones. Improvements had succeeded each other beyond all precedent, because wealthy individuals found that to be the best mode for the employment of their capital. He was decidedly in favour of the present measure; for he detested monopolies of all kinds. They only tended to shut the door against useful improvements.

Mr. *H. Sumner* advocated the measure as a necessary and proper one. It was

said, that the new bridge would not save a distance of five hundred yards in the journey between London and Richmond: but there were a great many other places to which a considerable saving of distance would be effected. Besides, there was much property in the neighbourhood, which, instead of being deteriorated, would be greatly improved by the measure. The hon. gentleman had called the persons who projected this bridge speculators. What were the proprietors of Kew-bridge and of Fulham-bridge but speculators? The former, he believed, had reason to complain of the ill success of their speculation, whilst the latter had just as much reason to exult in the prosperity of theirs. He should cordially vote for the second reading of the bill.

The bill was then read a second time without a division.

CONDUCT OF REV. J. SMITH AT DEMERARA—PETITION FROM LONDON MISSIONARY SOCIETY.] Sir *J. Mackintosh* rose to present a petition from the London Missionary Society, formed for the propagation of Christianity in heathen and other unenlightened countries, composed of ministers of various dissenting denominations. It complained of the trial, proceedings, and sentence against the Rev. J. Smith, who it was but too well known had been a Missionary from this Society at Demerara. He did not intend to enter into any statement of the case, or to make any remarks that might lead to discussion, or call for animadversion, because such a course would be in the highest degree inconvenient and improper, on a matter so painful and important, before the House was fully in possession of all the facts connected with it. The delay in the printing of the trial had been such, that it was not yet in the possession of the members of the House. Another opportunity would be afforded for debating the question. He therefore not only abstained himself, but he suggested to other members the fitness of not entering into any premature discussion. In justice to the petitioners, he owed one single observation to them; it was, that he believed them to be worthy and excellent persons, liable, like all others, to be deceived, but incapable of practising intentional deception. On their part it was his duty further to state, that it was their most anxious wish to separate the object they had in view from all ques-

tions respecting legislating generally for the colonies. Their sole purpose was, to vindicate the security and liberty of their own missionaries in every part of the British dominions, engaged in the performance of a duty strictly religious.

Mr. *Wilmot Horton* said, he did not rise to oppose the reception of the petition. He concurred entirely in what had been just said on the impropriety of premature discussion, but he was bound in justice to express his regret, that this petition, stating facts, drawing inferences, and terminating in a prayer founded upon reasoning, had been presented, before the House was in a situation to form a judgment on the case. If, therefore, in compliance with the suggestion of the hon. and learned member, he now abstained from entering into any details, it was most distinctly to be understood, that he was not thereby to be precluded hereafter from pointing out the extreme inaccuracies with which the petition abounded. He concurred also in what had been said as to the character of the petitioners. No doubt they had no wish to deceive; but, on the other hand, he was called upon to express his firm belief, that, on some points, they had been grossly deceived. He doubted also, whether they had exercised a sound discretion in the course they had pursued.

The petition, which purported to be the Petition of the treasurer, secretary and directors of the London Missionary Society, was then read; setting forth,

“That the petitioners are the officers of a Society established in 1795, including clergymen and members of the Established Church, and ministers and laymen of different denominations among Protestant Dissenters; that ‘the sole object of that Society is, to spread the knowledge of Christ among heathen and other unenlightened nations;’ that to accomplish their object the society send pious and self-denying men to those regions where the population need religious instruction, and at an expense exceeding 30,000*l.* per annum support those missionaries amidst labours which pure benevolence alone can induce them to sustain, and which human praise can never repay; that the Christian motives which prompt those exertions render the society most circumspect as to the characters of the persons whom they depute, and that they might refer with cordial satisfaction and devout gratitude to many of their

missionaries, some of whom have, under the blessing of God, civilized barbarians and evangelized the idolatrous, whilst others have by their literary labours, especially in the translation of the Holy Scriptures, reflected honour on their country, and become the benefactors of large portions of the world; that the Dutch-ceded colony of Demerara was selected in 1807 for a missionary station, at the request of respectable persons resident therein, and because the neglected state of a large slave population excited their compassion; and their judgment has been since confirmed by official documents, which declared that ‘catechists and teachers’ were required ‘to instruct that population in the elementary principles of the Christian faith;’ that notwithstanding this declaration from the highest authority in the colony, special circumstances connected with Demerara have rendered the duties of missionaries peculiarly arduous and perplexing, and have occasioned difficulties which no other West-Indian colonies, in an equal degree, present; but many of these obstacles were surmounted by ‘a patient continuance in well-doing;’ and chapels have been built, where numerous congregations of negroes assembled for public worship, and those lessons of religion and morals, and civil subordination, were inscribed on their memories and their hearts, which many and long-continued sufferings have been unable to efface; in the end of 1816, the rev. John Smith was sent to Demerara: his station was at a chapel in the plantation called *Le Resouvenir* on the eastern coast; the confidence in his excellent principles, and other qualifications, led the society to select him for that appointment; but this estimate of his worth and fitness did not induce them to omit those especial instructions and cautions which their ordinary regulations, and a conviction of the difficulties connected with that station, especially required; the following instructions were therefore given:—‘In the discharge of your missionary duty you may meet with difficulties almost peculiar to the West Indies or colonies, where slaves are employed in the culture of the earth and other laborious employments. Some of the gentlemen who own the estates, the masters of the slaves, are unfriendly to their instruction; at least, they are jealous lest by any mismanagement on the part of the missionaries, or misunderstanding on the part

of the negroes, the public peace and safety should be endangered. You must take the utmost care to prevent the possibility of this evil; not a word must escape you in public or private which might render the slaves displeased with their masters, or dissatisfied with their station; you are not sent to relieve them from their servile condition, but to afford them the consolations of religion, and to enforce upon them the necessity of being "subject, not only for wrath but for conscience sake." Romans, xiii. 6; 1 Peter, ii. 19. The holy gospel you preach will render the slaves who receive it the more diligent, faithful, patient, and useful servants; will render severe discipline unnecessary, and make them the most valuable servants on the estates; and thus you will recommend yourself and your ministry even to those gentlemen who may have been averse to the religious instruction of the negroes. We are well assured that this happy effect has already been produced in many instances, and we trust you will be the honoured instrument of producing many more."—To those instructions the petitioners believe that the rev. John Smith paid dutiful and willing respect, although many acts of unkindness towards himself, and of illegal restriction and harshness towards the negroes who attended on his ministry, rendered implicit and uniform obedience no easy task; in that situation, surrounded by difficulties which Christian ministers in England have never known, which exist in an equal degree perhaps in no other West-Indian colony, the rev. John Smith continued his humble and indefatigable ministry until August last; incessant occupation in an unhealthy climate had in the mean time much impaired the health of Mr. Smith, and medical advisers had prescribed his speedy return to Europe, or his removal to a more salubrious air, and that advice for the preservation of his life he intended to obey; but in August last, events occurred which interrupted the execution of that purpose, and have pressed him down prematurely, to the grave; on August the 18th there was a commotion on several plantations on the eastern coast; the slaves on the plantation where Mr. Smith resided, and several slaves particularly connected with his chapel, were engaged in that commotion; it appears to have been rather a riotous assemblage than a planned rebellion, and within a very few days it was easily sup-

pressed; many negroes were shot and hanged, though little, if any, injury had been done to any property, and though the life of no white man was voluntarily taken away by them; suppliants, rather than accusers, the petitioners do not desire to develop the remote or immediate causes of an event which they deplore, but they entreat permission to state, upon the information communicated to them, that peculiar and unwarrantable cruelties towards the slaves, that Sunday labours illegally compelled, that capricious interruptions and impediments thrown in the way of their religious duties, and especially that a long and inexplicable delay to promulgate the directions transmitted from his Majesty's government favourable to the negro population, and well known amongst them to have arrived, were causes sufficient to account for the effect; at the commencement of the commotion martial law was proclaimed, and a nondescript martial law was continued, not only for days, or for weeks, but for several months, after all commotion had subsided; and until the 19th of January last; this sad though brief disturbance, appears to the petitioners to have afforded an opportunity for the manifestation of the adverse and injurious feelings of many colonists, directed equally against the efforts of religious societies, against the paternal purposes of a gracious king, and against the recorded desire of the British parliament, to mitigate the sufferings of the negro population, and to improve their condition, by means which Christian instruction and education might supply; but those objects of displeasure to the colonists were distant and inaccessible, and it was on Mr. Smith, an innocent and unprotected victim, that they chiefly poured the torrent of their wrath; to the petitioners also it appears, after deliberate and careful inquiry, that his majesty's lieutenant governor allowed the sentiments of those persons to operate on his conduct, and that he has thereby been persuaded into acts which the petitioners ever must lament: on August 21st Mr. Smith was taken from his house; his private journal, and all his papers, were seized; and, notwithstanding his ill health, he was kept closely imprisoned, prohibited from all intercourse with his friends, precluded from correspondence with this society, and exposed to such treatment as is unknown to English prisoners, whatever be their crimes; martial law was continued,

and his imprisonment endured: nor was it till October 13th, a period of nearly two months, that his trial was begun; all these proceedings were by the special order of his excellency the lieutenant governor and commander-in-chief; against Mr. Smith on his trial appeared the colonial Fiscal as his accuser; among the officers who composed the court was Mr. Wray, president or principal judge, of the colonial court of justice, introduced as a military officer; the charges were four, and are already among the papers laid upon the table of the House; on those charges the House will form its judgment; but the petitioners are advised that they are charges not imputing any offence legally cognizable by the court to which they were submitted; charges which no British tribunal, civil or military, could lawfully entertain, and which, if they involved any violation of the colonial laws, should by those laws alone have been tried and determined; the long interval between the apprehension and trial of Mr. Smith had been zealously employed in finding matter of accusation against him, the trial of some slaves had been proceeded in, and means had been taken to prevail on those slaves to become his accusers, in the hope of preserving their lives, defences which they neither wrote nor understood were put in as their own, not exculpating themselves but accusing Mr. Smith of crimes which no evidence had supported, and imputations which only party spirit could invent, were industriously circulated; after all these investigations, after publication of the entries made by Mr. Smith in his private journal of his feelings and his thoughts, and after all the calumnies which the colonial press could circulate, there appeared not any evidence, even to support those charges that were so anomalous and strange; it was, however, by a court martial that he was tried, and of high treason he was indirectly accused, without any of those protections against that accusation which not only the merciful laws of England, but even the colonial laws themselves supplied; he was tried by a court-martial, and the evidence of slaves was thereby introduced, the assistance of an advocate to speak on his behalf was thereby refused, and the means of appealing from an unjust sentence were thereby precluded; of the evidence given on this trial a judgment will be formed by the House; but to the peti-

tioners it has appeared that much of that testimony was truly frivolous, and that the remainder affixes neither to the motives nor to the conduct of Mr. Smith any political or moral guilt; during the progress of the trial, impartiality was not preserved, and hearsay evidence was received against Mr. Smith, while he was not allowed to produce the same species of evidence in his defence; for six weeks, from October the 13th to November 24th, the trial of Mr. Smith, struggling with a dire disorder, was prolonged, and at length a sentence was pronounced which found him guilty of the charges, but with certain exceptions, which not only extenuate but nullify some of those charges, and as to all the charges he was recommended to mercy, as though any mercy could be deserved by a man, and that man the minister of peace and of religion, who, amid a slave population, had really abused his high and righteous office, and had really excited that population to treason against the state; after that finding, and such recommendation to mercy, and after such trial by such tribunal, and with his knowledge of the malady which the confinement and sufferings of Mr. Smith had greatly increased, the petitioners would have expected that his excellency the lieutenant governor would readily have manifested the mercy it had been judged fit to recommend, and by allowing Mr. Smith to leave the colony, would have preserved his life; but the petitioners have, with grief, to state, that his excellency preferred to order Mr. Smith to confinement in the common prison, and to transmit the proceedings to England for the consideration and ultimate decision of his majesty thereon; on the perusal of those proceedings his majesty's government thought proper to remit the punishment of death, but they appear to the petitioners to have given an approval of the finding of the court, by directing that Mr. Smith should be dismissed the colony, and should enter into recognizances never to return; the petitioners can conceive and can respect motives which may have induced a decision disappointing to their hopes, but all the information they have collected and all the legal opinions they have obtained, tend to confirm their belief, not only of the legal but perfect moral innocence of Mr. Smith, and that the proceedings against him were as unconstitutional as incorrect; in this judgment they are supported by communi-

cations from the colony, which evidenced that the effect of Christian principle and Christian instruction had been never more benignly manifested than in the proceedings of the slaves even during the commotion, by their abstinence from outrages usual on such occasions, and by their declarations that they were taught not to take away human life; the testimony of Mr. Arrindell, the advising advocate of Mr. Smith, and of the rev. Mr. Austin, the government chaplain to the garrison, and a minister of the established church, to this effect, are contained in the following extracts from their letters, the former of whom had stated, 'It is almost presumptuous in me to differ from the sentence of a court, but, before God, I do believe Mr. Smith to be innocent; nay, I will go further, and defy any minister of any sect whatever to have shewn a more faithful attention to his sacred duties than he has been proved, by the evidence on his trial, to have done:'—while the latter, in a private letter to a friend, had written, 'I feel no hesitation in declaring, from the intimate knowledge which my most anxious inquiries have obtained, that in the late scourge which the hand of an all-wise Creator has inflicted on this ill-fated country, nothing but those religious impressions which, under Providence, Mr. Smith has been instrumental in fixing, nothing but those principles of the gospel of peace which he had been proclaiming, could have prevented a dreadful effusion of blood here, and saved the lives of those very persons who are now, I shudder to write it, seeking his life:'—in these, their disappointments and conclusions, the petitioners have been further sanctioned by vast numbers of their countrymen of all religious denominations and who partake their sorrow and surprise; with such convictions, therefore, justice and mercy, justice to their injured missionary, and mercy to all other missionaries and Englishmen throughout the world, did not allow the petitioners to neglect any appropriate means to obtain not merely a remission but a reversal of his sentence, and his thorough acquittal from all guilt; the petitioners had accordingly informed Mr. Smith of their willingness to assist by all means in their power in supporting an appeal against the sentence should he think fit to make one; a memorial to his majesty's government had also been prepared, and legal proceedings

against his excellency the lieutenant governor and the commander in chief at Demerara had been advised; but many of their wishes have been ended, and they have been filled with anguish, by intelligence, that on the 6th February last, before the decision of the government could have arrived, such injuries and such imprisonment had accelerated the desolations of disease, that death had liberated the sufferer from the prison-house, and that the name of another martyr had been inscribed on the records of the Christian church; under such circumstances, to the parliament of their country the petitioners prefer their complaint; they perceive that it is not merely the memory of Mr. Smith, nor the relief of his widow, that are involved in these transactions, but that they involve the security of those who survive in every colony, and many important questions universally interesting, of constitutional right; new establishments in the West-Indian colonies for the education and religious welfare of the slaves are also at last wisely proposed, and new assurances, therefore, become needful for their protection, and for the protection of all Christian missionaries who now labour, and who may hereafter labour, in those ungenial and long-neglected lands; and to the petitioners it appears that redress for the evils that are past, as well as the present protection and future security they seek, can by the House be best or alone bestowed; the petitioners therefore pray, That the House will institute such inquiries, or direct or adopt such measures, as may best tend to obtain the revision or rescindment of the sentence passed on Mr. Smith, and also will adopt such measures as shall ensure needful protection to Christian missionaries in every part of the British empire throughout the world, and will afford such further relief as shall seem meet to the humanity, wisdom, and justice of the House."

Ordered to lie on the table.

ROMAN CATHOLIC MARRIAGES IN ENGLAND.] Dr. *Phillimore* rose to move for leave to bring in a bill to amend the laws regarding the Baptisms, Marriages, and Burials of Roman Catholics in England. After stating the great inconveniences to which the Roman Catholics were subject, as the law and usage at present stood, the hon. and learned gentleman proceeded to observe, that the

remedy which he had to propose was a short and simple one. It was, first, that the bans of marriage should be published precisely as they were at present in a Protestant church; secondly, that licences should be issued as at present from Protestant authorities; thirdly, that the fees should be paid as at present to the Protestant clergyman; but, fourthly, that the ceremony should be performed by a Roman Catholic priest. With respect to the registration of the births of Roman Catholics, as there were some doubts whether the present act warranted the registry of persons who had not received a certificate of baptism from a minister of the church of England, it appeared to be extremely proper, that all such doubts should be removed, and that it should be either declared or enacted, that the certificate of baptism of a Roman Catholic priest should be quite sufficient for the purpose. The hon. and learned gentleman concluded by moving for leave to bring in the bill.

The *Solicitor-General* would not oppose the motion for leave to bring in the bill, but contended that the present law on the subject did not require alteration.

Mr. *Monck* said, there was great public inconvenience in the present state of the law, on account of the number of poor Irish Roman Catholic children thrown upon some of the parishes, because, though born in Popish wedlock, they were not held by law legitimate.

Mr. *D. Gilbert* said, it was an unnecessary hardship to require the Roman Catholics to be married in the Protestant churches. He thought that something might be done to legalize their marriages, after publication of bans in the Protestant church.—Leave given to bring in a bill.

HOUSE OF COMMONS.

Wednesday, April 14.

COMBINATION LAWS.] Lord Stanley presented a petition from Bolton against the repeal of the Combination Laws.

Mr. *Hume* expressed a wish that those persons who opposed the repeal of the Combination laws, would give evidence before the committee in support of their views. The committee had now sat a considerable time, and no evidence whatever had been produced in favour of those laws.

Lord Stanley said, he had already presented two petitions, praying that the

laws prohibiting the exportation of machinery might not be repealed. Considering the alarming extent to which combinations were carried in the manufacturing districts, there were obvious reasons why the master manufacturers should not come forward and expose themselves to personal risk, by giving evidence of the mischief that had already arisen from combinations, and the danger to which they would be exposed by the repeal of the existing laws.

Mr. *Mansfield* said, he could not hear, without much regret, the observation of the hon. member, as to master manufacturers being intimidated by their workmen, and consequently prevented from stating their opinion of the Combination laws before a committee of that House. He begged to state, that no such feeling prevailed between masters and their workmen in the place which he had the honour to represent. The most respectable master manufacturers in Leicester concurred in opinion with their workmen, that the Combination laws ought to be repealed. He was sorry to hear that such hostile feelings prevailed between masters and their workmen in any part of the country; and he was satisfied that they had been produced by the very laws which the workmen were anxious to repeal.

Mr. *Philips* could not concur with the hon. member, that the ferocious character of the combinations in Lancashire had been produced by the Combination laws themselves. That those laws were ineffectual, as a remedy for evils against which they were intended to provide, he was ready to admit; but he could not agree that they were the cause of the enormities produced by combinations among workmen. Combinations did not, for the most part, take place while wages were low, but when wages were high. The most ferocious combinations had taken place in Glasgow and Manchester when the rate of wages amounted to from 30s. to 50s. a week.

Ordered to lie on the table.

HIDES AND SKINS REPEAL BILL.]

Mr. *Lushington* rose to move for the repeal of certain acts relating to the Flaying of Hides and Skins. The considerations which induced him to move for the repeal of these acts were, that they were unnecessary, vexatious, expensive, and unjust; and he was sure they would appear so to any one who examined them. They

were unnecessary, because the butchers required no laws to make them take care of their own property; they were vexatious, because they rendered the property of persons in that trade liable to constant inspection; they were expensive, because they were attended with heavy penalties; and they were unjust, because they operated unequally on the town and country dealer. Under these circumstances, he thought they should not be allowed to remain on the Statute-book. He should, therefore, move for leave to bring in a bill, "to repeal two acts of the 39th and 40th of his late majesty, relating to the use of horse hides in making boots and shoes, and for better preventing the damaging of raw hides and skins in the flaying thereof."

Mr. *James* thought there could not be two opinions on the subject. The two acts ought by all means to be repealed.

Mr. *Maberly* objected to the mode in which the hon. gentleman seemed disposed to proceed with respect to the repeal of these laws. His object seemed to be to exonerate the town trader, but to leave the laws respecting the country trader in all their oppressive operations. The best course to have pursued would have been to have moved for a committee up stairs. He would venture to affirm, that it would have been distinctly proved by evidence before that committee, that so far from those laws being unnecessary, they had been the means of preserving one-fifth of the whole of this material. If what were called long stripes were wanted, the hides were frequently rendered unfit for the purpose of obtaining them in consequence of the negligence of the butcher. He was far from denying that the law, as it stood, did not require modification; but he contended, that no alteration in it ought to be attempted, until the whole question had been considered in detail.

Mr. *Huskisson* said, that on looking at the acts which it was intended to repeal, he found that they were not public acts. He recommended his hon. friend, therefore, when his bill should come to the stage of the committee, to move that it be referred to the consideration of a select committee above stairs. Of this he was quite persuaded, that should the measure be discussed in a committee of the whole House, endless petitions would be presented against it, and much valuable time would be lost.

General *Gascoyne* observed, that the hon. mover had shown no reasons whatever for repealing the existing law. There could be no doubt, in his mind, that the measure ought to undergo a thorough investigation in a committee; and he was persuaded, that if the hon. gentleman's bill should pass into a law, a year would not elapse before the House would be glad to get rid of it. The general hostility entertained in the country to the proposed repeal, had been sufficiently manifested by the petitions which had already been presented on the subject, all expressing the decided conviction of the petitioners, that the repeal of the existing law would be attended by serious inconveniences.

Sir *R. Fergusson* maintained the expediency of repealing the existing law. What did that law do? Fine a man for injuring his own property! Suppose, by any unfortunate accident, the gallant general who had just spoken, were to make a hole in his pantaloons, how would he like to be fined for the misadventure? The existing law proceeded on the ridiculous supposition, that the tanners did not know their own business.

Mr. *Bright* wished to know whether the hon. mover of the bill would consent to its going before a select committee above stairs.

Mr. *J. Martin* was also desirous to know whether the hon. gentleman would consent to allow the subject to be previously investigated before a select committee, or would send the bill to such a committee in its progress. The first course would, in his opinion, be the best. The proposal for repealing the existing law had created a great sensation among those who were interested in the subject; and it was due to them, that the expediency of the measure should be satisfactorily ascertained.

Mr. *Lushington* expressed his persuasion, that if the subject were referred to a committee, so much delay would take place, that it would be impracticable to get the bill through parliament in the course of the present session. Convinced as he was, that the matter was perfectly clear, he thought it was too much to ask him to submit to such an inconvenience.

Mr. *Curwen* admitted that the existing acts were abominably unjust and injurious, but strongly recommended that the subject should undergo the previous examination of a committee.

Mr. *Curteis* maintained, that the present law was most inconvenient and ridiculous. If a butcher's boy, in killing a pig, happened to make a mistake in the manner of doing it; and if the inspector on the spot declared that he had killed it improperly, then, according to the present law, a high tribunal was formed, consisting of eight and twenty persons; namely, seven butchers, seven tanners, seven curriers, and seven shoemakers, before whom the matter was brought for adjudication.

Lord *Clifton* supported the repeal of the present law.

The House divided: Ayes 52; Noes 6.

HOUSE OF COMMONS.

Thursday, April 15.

CORPORATE RIGHTS.—ROMAN CATHOLICS OF DROGHEDA.] Mr. *S. Rice*, in presenting a petition, signed by upwards of 2,000 respectable inhabitants of Drogheda, complaining of the exclusion of Roman Catholics from grand juries, corporations, &c. stated, that the petitioners expressed their gratitude for the relaxation of the laws in their behalf, but complained that the benefits of that relaxation were intercepted by local influence. Notwithstanding the act of 1793, authorising Roman Catholics to be summoned on grand juries, from that time up to the present moment, not a single Catholic had ever been summoned on a grand jury in the town of Drogheda. The injustice of this exclusion was the more manifest, as the proportion of Catholics to protestants in Drogheda, with respect to numbers, was nine to one; and with respect to property, two to three. While Catholics of the first rank and respectability were excluded, individuals not resident, nor possessing an acre of land, in Drogheda, were placed on these grand juries. On the same principle of unjust exclusion, the freedom of the city had been refused to sir T. Esmond, a Roman Catholic baronet of the first rank and character, while it had been granted to individuals possessing no property in the town of Drogheda.

Sir *J. Newport* observed, that in the city which he had the honour to represent, the act of 1793 had had a full and fair operation. A large number of Roman Catholics had been admitted both to serve on grand juries, and to a participation in the freedom of the city. It was disgraceful to the character of other corporations

in Ireland, that attempts should be made to render null the beneficial provisions of that act.

Mr. *Hume* thought this subject highly deserving the attention of the House. It was impossible that tranquillity could be restored in Ireland until full justice was done to all classes of his majesty's subjects in that country. He was aware there was a difficulty in interfering with corporate rights; but, if ever there was a case in which such a course could be justified, it was the heavy grievance of which these petitioners complained; and he sincerely hoped the king's ministers would turn their serious attention to the statements contained in the petition.

Ordered to lie on the table.

SALE OF MACKEREL ON SUNDAYS.—PETITION AGAINST.] Mr. *Butterworth* said, that he had a petition to present from several fishmongers and poulterers in the cities of London and Westminster, to which he wished to call the serious attention of the House. The hon. member then recited the heads of the petition, from which it appeared, that the petitioners wished to obtain the repeal of a clause in the act of William 3rd, which permits the sale of mackerel on a Sunday, on the ground that the permission is abused to sell other fish upon that day. He maintained, upon the authority of several fishmongers, that mackerel might be kept as fresh for twenty-four hours as any other fish; and, as that was the case, he trusted the House would pay some regard to the prayers of the petitioners.

Mr. *Hume* said, he would not object to the bringing up of the petition, because he was of opinion, that all descriptions of persons had a right to present their petitions to the House. He could not, however, refrain from observing, that it appeared most strange to him that the petitioners should call upon the House to interfere in a matter of this nature. The petitioners prayed the House not to compel them to do a certain act, which they needed not to do unless they chose. He would put it to the fishmongers themselves whether it would not be better for them to meet together and determine not to sell fish on a Sunday than to trouble the House with such a petition. Had he been one of the gentlemen who had a conscientious objection to selling fish on the Lord's day, he should never have dreamt of calling upon the House to com-

pel him not to do that which he might of his own accord, safely neglect to do. He would ask the House, whether it would be decent, on such grounds as the petitioners had stated, to add another penal statute to the many useless ones which already incumbered our Statute-book? If any such law were added, it would beyond a doubt, be totally inoperative.

Sir *M. W. Ridley* said, that a more ridiculous, absurd, and he would add, canting petition, had never been presented to the House [hear, hear]. If the petitioners really found a difficulty in the present practice, he would suggest to them a mode by which they could get rid of it. When the petition was printed, let their names be printed along with it. The public would then know who these conscientious and scrupulous fishmongers were, and would, perhaps take care not to trouble their tender consciences in future. If it were not irregular, he would move that the names of the petitioners be printed along with the petition.

Sir *T. Baring* said, he could not treat the petition with the ridicule which the two last speakers had endeavoured to fling upon it. If it were just to vote away the public money for the erection of new churches, on the ground that it was sound policy to diffuse proper religious feelings through the community, surely it was just to adopt such measures as would prevent any improper profanation of the Sabbath. It had been asked, why did these fishmongers, who reprobated the present practice of selling fish on a Sunday, follow it themselves? The answer was easy. If they did not sell fish on a Sunday as others of their trade did, they would soon lose all their custom, and see their families reduced to ruin.

Mr. *C. Smith* reminded the House, that the conscientious feelings, which prevented these scrupulous fishmongers from selling fish on a Sunday, could not by any possibility operate upon the Jews.

The petition was then brought up and read. It purported to be the petition of the there-undersigned persons, comprising a considerable number engaged in several trades carried on and conducted on the Sunday, within the cities of London and Westminster, and their respective vicinities. It set forth :

“That the petitioners have for a long time past, been under the necessity of following their usual avocations on the Sunday, contrary to the true spirit and mean-

ing of the laws of this country, contrary to the sacred principles of Christianity, and against the wishes of the petitioners, whilst it tends, as they humbly conceive, to foster every species of immorality in a numerous class of people, who are so employed, creates an utter disregard to the Sabbath-day, on which they are compelled to labour, and eventually induces them to neglect their moral as well as their religious duties; that the petitioners observe with the greatest concern, that this evil, instead of diminishing in a country professing the principles of Christianity, is, on the contrary, rapidly extending its baneful influence over many classes of society, thus throwing open, as it were, the very gates of licentiousness and immorality, as destructive to our morals as a people, as tending to lessen our character as a nation in the eyes of others, who have not yet thrown aside the external marks of morality or religion; the sad effects which the non-observance of the Sabbath has had on the morals of the people of a neighbouring nation, is but too well known, and the serious result of their demoralization is a most awful example of this evil, and points out the value and importance of this day being religiously observed, if it were only with the view of stamping upon the minds of men some principle of virtue; and the petitioners cannot but contrast the state of the nation above alluded to with that of North Britain, where a very strict attention is paid to the observance of the Sabbath, so much so, that no profession whatever is allowed to be carried on, and none exercised but what is imperiously demanded by necessity; and the petitioners beg leave to quote the following passage on this subject from a late eminent writer, who thus addressed his friend: ‘You, who possess such genuine piety, would be greatly struck and delighted with the sanctified appearance of Sunday in Scotland; it differs as widely from England as England differs from France, where not the least outward semblance of the Sabbath is preserved. At the sound of the church-bell, as if by universal consent, the streets instantaneously become crowded by one vast multitude of every rank, all thronging for the same devout purpose—public worship; so well, but modestly, attired that no stranger can behold this interesting and impressive scene, without a sentiment of surprise and veneration. The Sabbath in Scotland is literally a day of

'rest both for man and beast; not an article is either vended in the streets, or the shutter of a shop unclosed, and, except the mail-coach, no public vehicle is suffered to travel but on what are denominated 'lawful days.' That in the report of a committee of the House on the subject of the state of the police, and another on the education of the poor, it appears to have been the decided opinions of those honourable committees, that the first commencement of crime would be found to originate from a complete disregard to the Sabbath, and the want of early instruction, that might have impressed on the minds of youth the value of social virtue in their intercourse with society; that fishmongers and poulterers in particular (many of whom are among the humble petitioners) and particularly the former, are under the painful necessity of supplying their customers with various articles of their calling on the Sunday, in which employment many journeymen and apprentices are unavoidably engaged, whereby their labour is incessant, being generally as much occupied on that day as on any other, and as the petitioners most humbly conceive unnecessarily, inasmuch as orders might be executed on the Saturday without any inconvenience, from the improved manner in which this business, as well as many others, is now conducted; many fishmongers claim a kind of legal right to transact business on that day, from the act of 10th and 11th William 3rd. c. 24, which allows the sale of Mackerel on the Sunday; custom has therefore given to this business a kind of legal sanction, which those of the petitioners who are in that line cannot break through, authorized as it thus is by the act of the legislature, and were those of the petitioners who wish to abolish this labour on the Sunday, to set themselves in opposition to the now long established custom of the trade, by refusing to serve on that day, it would no doubt occasion the loss of their customers and their connection, without in any serious manner diminishing the evil complained of; thus they are under the necessity of continuing a system which at the same time they highly disapprove of; and this too has imperceptibly led on various other businesses, such as poulterers, butchers, green-grocers, and many others, into the same custom and evil of following their occupations on the Sunday; with regard to that clause of 10th and 11th of William 3rd. c. 24, which relates to the sale

of Mackerel on the Sunday, whatever impediments might then exist in the way of free communication between the London market and the coast, which might have induced that parliament to have sanctioned such a measure, have long since passed away, for they now find, from the excellent state of the roads, and the great improvement of wheel-carriages, machines laden with Mackerel and other fish can arrive over land from the coast of Sussex, and other places of similar distance, at the London market in the short space of seven or eight hours, not to mention the facility with which Billingsgate is supplied by steam-boats and other vessels, and experience has decidedly proved, that Mackerel, as well as all other fish purchased on the Saturday, by due preparation, such as well cleansing, being kept in a proper cool place, &c. is in every respect as fully fit for the consumer's table on the Sunday as if actually procured from the market on that day for immediate use; and it is a well-known fact, that poulterers, fishmongers, butchers, and others, have long (from the facilities afforded by the excellent state of the roads and consequently of quick carriage as above stated) been in the habit of providing for the orders of their customers the day previous to the time for which they were required, to the equal advantage of the vendor and consumer, a decisive proof that the same rule might be adopted as regards the Sunday, and an evident conclusion that the abolition of the Sunday labour might be accomplished without any serious inconvenience resulting therefrom; the petitioners then humbly submit that the existing laws to prevent the profanation of the Sabbath are altogether inadequate to counteract the evils complained of, for they conceive that that clause of the act of 10th and 11th of William 3rd, c. 24 which allows the sale of Mackerel on the Sunday, as well as various other occupations to be conducted on that day, is a principal source from whence have originated all the evils which have been previously stated; the petitioners therefore most humbly pray, that the House may be pleased to take this petition into their serious consideration, and that the statute of the 10th and 11th of William 3rd, c. 24, or that clause thereof, or any other statute, which relates to the sale of Mackerel on the Sunday, be altogether repealed, and that the penalty for the breach of that day be then increased to the sum of 10*l*. or that such other en-

actments may be made as to the wisdom of the House shall seem meet."

On the question that it be printed,

Mr. *Butterworth* observed, that whilst the law permitted one description of fish to be sold upon a Sunday, very few fishermen would dare to refuse to sell any kind of fish that their customers might require. It was on that very account that the petitioners wished the clause, allowing the sale of Mackerel on Sundays, to be repealed. They were aware, that even if the trade were to meet and to determine among themselves not to sell fish on a Sunday, they could not prevent it from being sold by the Jews and the low Irish. With regard to the suggestion of the hon. member for Newcastle, he would merely observe that the petitioners were anxious to have their names known, and were so far from wishing to conceal them, that they had actually printed and circulated their petition with their names attached to it. He would tell the hon. member for Newcastle, that his illustrious ancestor Bishop Ridley, who suffered in the cause of the Reformation, would not have treated this petition with the ridicule which he had bestowed upon it.

The House then adjourned to the 3rd of May.

HOUSE OF COMMONS.

Monday, May 3.

STANDING ORDERS.—TEES AND WEAR-DALE RAILWAY BILL.] Sir *H. Hardinge* rose for the purpose of moving, "That the committee on the above bill be discharged from proceeding thereon." This he did, because the standing orders which applied to private bills had not been complied with, in reference to certain individuals whose estates would be injured if the measure were carried. It was proposed that the railway should cross a road belonging to a noble friend of his (the marquis of Londonderry), and that it should be carried on for a considerable distance near his park. This would be a very great nuisance, and was the less justifiable, because any benefit which the railway was calculated to produce would be reaped by others, whose estates would not be affected by the intended work. The standing orders relative to private bills ought to be strictly supported; and as the present measure had been clandestinely brought into the House, he would give it every opposition in his power.

Lord *Lowther* defended the measure, as one which would be extremely advantageous to the country. He therefore wished the bill to be re-committed. It was said, that the landed proprietors were adverse to the railway; but the fact was, that the real ground of opposition sprang from the noble marquis to whom allusion had been made, although he was prepared to contend, that the proposed work would not touch an inch of that noble person's estate. The true reason of the opposition manifested against the measure was, a spirit of jealousy which existed in the north of the county of Durham, as to affording this additional facility for the conveyance of that valuable commodity, coals, to the metropolis and elsewhere. Being perfectly convinced of the utility of the railway, he should move, as an amendment, "that the report from the committee on the petition complaining that the Standing Orders had not been complied with, be re-committed."

Sir *J. Yorke* rose to second the amendment. He did not wish to make use of hard words, but the opposition to the measure appeared to him to be so extreme a job, that he had quitted the committee altogether. The evidence of Mr. Wright, whose estate, it was said, would be affected by the work, seemed to be so wrong, so coquettish—now assenting to, and then dissenting from the measure—that he could make nothing of it. His gallant friend had said a great deal about the hardship of carrying this road through a noble lord's estate; but, on other occasions, they heard nothing of the impropriety of making encroachments on private property, where a great public work required it. When it was proposed to erect a bridge at Hammersmith, the question of private property was not allowed to interfere with the measure. Here it was proposed to form a vast public work, by means of which a larger supply of coals would be furnished to the metropolis, and the existing monopoly would be weakened. A great field was opened for the employment of capital for a useful purpose; and therefore he for one could not consent to the abandonment of the measure, on the plea that the road would pass near a nobleman's estate.

Lord *Milton* said, the real question in this case was, whether the rivers Tyne and Wear should be the only outlets for the carriage of coals, or whether the Tees should not also be included? The

West Riding of Yorkshire was supplied with coals by means of land-carriage, and the object of this measure was, to transport that article by a railway which should come down to the mouth of the Tees, instead of employing the ordinary mode of carrying it. This would be cheaper and more expeditious. In his opinion, gentlemen who wished to have this measure fairly considered, would not vote for a motion which would put a stop to it without due inquiry before a committee. He believed there was not a landed proprietor against the measure, except a Mr. Wright, who had assented and dissented, by alternations, so often, that it was difficult to understand whether he was hostile or friendly to the projected work.

Colonel Wood said, that none of the local proprietors were in favour of the measure. It was complained, that Mr. Wright had altered his opinion. The reason was, because the line of road which was at first communicated to him had been subsequently changed. With respect to him, it was quite clear that the standing orders had not been complied with, and therefore they ought not to proceed with the bill.

Mr. H. Sumner could not consent to this summary mode of oversetting a bill which would unquestionably promote the public interest. If the proposed railway were formed, there would be a greater and a more rapid supply of coals in the London market.

Mr. Curwen would vote for the re-committal of the report, under the assurance of the noble lord that the rail-road would not pass over Mr. Wright's estate.

Sir H. Hardinge said, if the gentlemen who supported the bill would assure him that the railway would not go near the estate of the marquis of Londonderry, he should withdraw all opposition. He had no wish whatever to crush any rivalry or competition in the coal trade.

The House divided: For the amendment 114. For the original motion 69. A committee, consisting of members not connected in any way with the bill, was appointed, to examine whether any and what inconvenience had arisen from the non-compliance with the standing orders.

IRISH TITHE COMPOSITION AMENDMENT BILL.] On the order of the day for the second reading of this bill,

Mr. Grattan said, that he felt himself

called upon to resist the further progress of the measure. It was not to be looked upon as an amendment of the law of last year, but as quite a new measure, regarding which the landed proprietors could not have been consulted. It bore most severely upon them, while it was completely in favour of the ecclesiastical party. It would be most fatal to the landed and Protestant interests in Ireland. He objected more especially to the clause respecting the appointment of commissioners, and to the power given to the lord lieutenant. In short the measure was altogether so objectionable, that he would move, "That it be read a second time upon this day six months."

Mr. Dennis Browne justified the application of the powers given by the constabulary act, and assured the House, that in his own county the constables were impartially chosen, and that their conduct had given permanent peace to the district.

Sir J. Newport wished the further consideration of the bill to be postponed until it could be entered upon more maturely. He had been disposed, in the first instance, to look at the measure in a favourable light, but was compelled upon consideration to arrive at the conclusion, that the present bill would augment all the evils of the act of the last session.

Lord Oxmantown contended, that the agreement proposed in the bill was not fair towards both parties. The provisions of it were too much in favour of the clergy. Some more effectual measure of relief was necessary, and particularly with regard to the levying of tithes in kind. The bill was not only unequal towards the landed but towards the ecclesiastical interest; since it gave the extortionate clergyman a decided advantage, in any final arrangement by commissioners, over the liberal and considerate pastor. He was by no means in favour of the compulsory clause of last year, but he wished a fair option to be allowed.

Mr. Goulbourn said, he was not desirous to shun any comments that might be made upon this measure by gentlemen on either side of the House; and was prepared, either now or in a later stage, to defend its principle, and to explain its details. The necessity of some amendment to the bill of last year was admitted on all hands, and those who wished to accomplish this object, as well as those who were desirous of correcting the errors and of supplying the deficiencies of the

bill upon the table, must be equally anxious to resist the amendment of the hon. gentleman, in order that such changes as were required might be made in the committee. He was ready to allow that certain changes in the present form of the measure would be expedient. He had felt it incumbent on him to withdraw the clause requiring the oath, in consequence of the representations of several individuals, who had declared that they could not conscientiously take it. The objection taken to the penalty of 10%, on the score of its inadequacy, could furnish no ground for the rejection of the bill, though it might properly form the subject of consideration in the committee. The hon. gentleman had objected to the clause empowering the lord lieutenant to appoint a commissioner, in cases where two commissioners had been appointed by the parties, and one of them had declined to act. He thought this clause necessary to carry into effect the provisions of the bill; but, whether the same objects might be effected more advantageously by any other mode would be a question for the consideration of the committee. The presence of the rector in the vestry for the purpose of discussing the terms of the agreement, though he had no vote at the vestry, appeared an indispensable provision. With regard to the clause respecting the averages, the remedy might be insufficient; but this would be more properly the subject of consideration in the committee. The bill of last session had operated most beneficially in those parts of Ireland in which the greatest inconvenience had been felt from the claim of potatoe-tithe. He was satisfied, indeed, that, generally speaking, the bill had been acceptable throughout the country; and that the middling and lower classes were sensible of the advantages which they had derived from it. In those parts of Ireland in which the greatest distress had been felt, the measure was regarded as a source from which the greatest relief might be expected. The hon. member had made some allusions to one particular clause of the bill, which was generally designated "the trap clause." If the hon. member meant to say that the clause was calculated to ensnare individuals, by inducing them to enter into a composition for a specific sum, and afterwards subjecting them to pay a larger, he called on him to point out a single instance in which it had had such an operation. The clause in

question had been introduced with a view of protecting incumbents against any fraud which might have been committed by their predecessors. He agreed that many clauses of the bill were susceptible of considerable improvement; and he had no hesitation in saying, that if the House came to the discussion with a sincere desire of rendering operative the act of last session, that measure would be generally popular throughout Ireland.

Sir J. Newport said, the question was not whether the act of last session required amendment, but whether the bill which the right hon. gentleman had introduced, really went to amend that act. He thought that the present bill, so far from amending the act of last session, was a deterioration of it. What was already bad was made worse by the proposed bill; and, on that ground, he thought it ought to be rejected. In his opinion, the only mode in which the bill of last session could be amended, would be to strike out every part of it, except the preamble, and substitute a new bill. It was idle to waste the time of the House in discussing a bill which was so essentially bad, that it did not admit of amendment. The object of the bill was, to shut out landed proprietors from the Vestries and to exclude them from all interference with concerns in which they were mainly interested.

Mr. Spring Rice regretted that the discussion of this question should have taken place in the absence of many gentlemen who had taken a part in it, and who felt a peculiar interest in the topics connected with it. The right hon. gentleman opposite surely could not be serious in supposing, that because a particular act of parliament required amendment the House was bound to receive any amendment which he might propose. He objected to the principle of the bill, because it took away from landed proprietors the protection which was left to them under the bill of last session. The bill strengthened the hands and augmented the property of the Clergy, without giving any corresponding advantage to the landed proprietor. The act of last session gave to the inheritor of the land, if he were the occupant of the soil, an increased number of votes, in proportion to the amount of his property, but the present bill took away this privilege, and deprived him of that fair preponderance to which property was entitled. He would appeal to any landed proprietor in that House, whether

he would permit any parish commissioner to send for his title deeds, and inspect them at his pleasure? And yet this was one of the clauses in this measure which was called an improvement. Even if his right hon. friend should consent to abandon that most obnoxious part of the bill, could he suppose that he would ever be freed from the responsibility of having even allowed it to be introduced? He hoped that the operation of the bill of last year would continue, and that opportunities would be afforded of remedying the inconveniences which had arisen. Many of the agreements which had been effected had been entered into in a state of total ignorance of their tendency. Upon the whole, he should give this bill his decided opposition.

Mr. Secretary *Peel* thought that the speeches of the right hon. baronet, and of the hon. gentleman opposite, would have been much more appropriate if addressed to the committee. Almost all the arguments advanced applied to the bill of last session, and were therefore in favour of the present bill, which proposed an amendment. But, let the House examine a little in detail the speech of his hon. friend, who spoke last. His hon. friend had said, with respect to the composition, that many of the parties had been entrapped into their agreements: but his hon. friend must admit, that the number of appeals to the lord lieutenant and council was the most conclusive evidence as to the truth of the fact. Now, there had been ninety instances of composition, and out of these there had been but five appeals. Was it not clear, then, that five per cent was the extent of dissatisfaction. If the House were to examine the bill now before them, they would find that a very small part of it indeed was open to objections. By voting for the second reading of the bill, no member would be pledged to support all the enactments it contained, nor would he be precluded from adopting any amendments that might be proposed. The arguments which had been advanced, clearly proved the great importance of the subject; but he differed altogether from his hon. friend, as to the extent of the responsibility attaching to an individual who introduced a proposition. Every one was at liberty to propose a measure; but, if sound and serious objections were made against it, and he still persevered, then began the responsibility. By the forms of the House, seve-

ral opportunities were afforded of proposing amendments. Then why should there be a responsibility, if a man yield to a more matured conviction? His hon. friend had said, that his right hon. friend could never escape from the responsibility of having introduced the clause relative to the inspection of papers and documents: but, he could assure the House that when his right hon. friend had come down to the House it had been his intention to propose the repeal of it upon examining the objections to which it was exposed. He therefore, hoped the House would pursue the ordinary course, and not resort to the extraordinary proceeding of rejecting a bill, which had for its object the improvement of a former measure before they had had an opportunity of understanding the amendments that were to be proposed.

Mr. *Grattan* said, that, with all his opposition to the bill before the House, and deprecating, as he did, the principle on which it was founded, because he thought it inimical to the landed proprietors of Ireland, he thought it might be better not to divide the House upon it in its present stage.

The bill was then read a second time.

CUSTOMS (COALS AND LINENS) BILL.
On the motion of the Chancellor of the Exchequer, the House resolved itself into a committee, on the Customs (Coals and Linens) bill. The right hon. gentleman said, his object was, to correct an error in the bill, and this had made it necessary that it should be recommitted. At present it was proposed in the bill, that the reduction of the bounty on linens should commence on the 5th of July, 1824. The date should be the 5th of January, 1825; and he now submitted a resolution to that effect,

Mr. *Spring Rice* said, he hoped that, in endeavouring to prevail upon the chancellor of the Exchequer to alter his opinion, he should not be accused of inconsistency; for he had seen, on various occasions, gentlemen who were more pledged than he could be supposed to be by character or experience to the principles of free trade, to make exceptions in particular instances. He was persuaded, that if individuals interested in the linen trade had as frequent access to government, as those in the silk and other great manufactures, although he did not expect they could prevail on the chancellor of the Exchequer to abandon those principles

which he thought right, they would induce him to consent to such modifications as would produce the least possible evil. He had no wish to see bounties permanently continued, nor if they were not in existence, would he now come forward to demand them. The chancellor of the Exchequer had made one concession in making the bounties remissible at different periods in the course of ten years, instead of taking them off all at once; but, in a country where there was little encouragement and where the people were looking for the lowest possible profits, care should be taken not to destroy, by legislative enactments, the individual exertions of persons, both in that country and in this, to procure employment for the people. He would suggest, that the date should be more remote. If they were allowed two or three years to prepare for the measure, they might be able to meet the consequences; but to commence the reduction at once would, in his judgment, be impolitic, and could not fail to produce the most injurious consequences.

Mr. *Dennis Browne* expressed his astonishment at the ignorance which prevailed in this country with respect to the real condition of Ireland. Gentlemen seemed no more to be aware of the consequence of taking off these bounties, than they were of the interests of the remotest part of America, although Ireland was, in fact, within a stone's throw of them. At one time he heard there were no exports of coarse linens, and that they drew no bounties. Both assertions were equally fallacious, and he was astonished that any minister could make so great a mistake. It had been said, that the chancellor of the Exchequer had made a great concession; but he maintained that he had no right whatever to interfere with these bounties. The people of Ireland had a chartered right to every possible advantage, until that branch of national industry had arrived to a state of perfection. This was a language which had been held by the British parliament, and echoed by the British king. No country had ever stood higher than England for a proud sense of honour and good faith, amongst foreign nations; but it was a monstrous violation of national faith with respect to Ireland, to interfere with her, or to meddle with her in any way: and it was quite absurd for the chancellor of the Exchequer to apply any of his rules of policy to her in her pre-

sent situation. He had been for many years a member of that House, and there was not a single year in which some attack or other had not been made upon the unfortunate linen trade. He had never seen a more unanimous feeling of detestation, than at the expression of an intention to repeal these bounties. If gentlemen could only foresee the ruin which it would produce in Ireland, they would be convinced of the impolicy of the proposed measure.

Sir *H. Parnell* said, he would, in the first instance, examine the question with reference to facts only, and endeavour to show that the opinions of the member for Kilkenny were erroneous. The hon. member, and all those who, with him, advocated these bounties, conceived the system which governed the linen manufacture of Ireland, to be perfection itself: and whenever a part of it was touched, without taking much trouble to think about the matter, at once proclaimed the manufacture would be destroyed, and the country ruined. He had taken pains to find out how these bounties could secure the object of those who supported them. It was said, they were necessary to maintain and extend the manufacture of coarse linens in Ireland. But this manufacture had more to fear from other causes than the loss of the bounty. It had to contend against the English and Scotch manufacturer of coarse linens, who imported foreign yarn at 1s. a cwt., which was cheaper by 25 per cent than the Irish could make it. Although foreign yarn might be imported into Ireland on the same terms the Irish were prevented taking advantage of it, by an Irish law for regulating the sale of yarn. This required that all yarn sold in Ireland should be wound in a particular manner; but the foreign reel did not admit of its being so wound. Some attempts had been made, to introduce the use of foreign yarn, but the Linen Board had enforced the regulating law, and levied the penalties; and the consequence was, that the manufacture of coarse linen was leaving Ireland. The Scotch and English manufacturer had also the advantage of mill-spun yarn, which the Irish manufacturer was deprived of by the regulating law. The way, therefore, to assist and extend the manufacture of coarse linen in Ireland was, not by bounties, but by repealing the law that prevented the use of foreign yarn. Ireland would then be on a footing of

equality with England and Scotland, and could successfully come into competition with Germany. If, in place of importing foreign yarn free of duty, a high duty was imposed upon it, as some advised, then Germany would have the whole foreign trade in coarse linens wholly to itself. But if the bounties could extend the linen manufacture, it was by no means clear that it was desirable to give to this manufacture a preference over all others. He believed that no greater error was committed than to suppose that the linen manufacture was very beneficial to the peasantry of Ireland. Those consequences which usually flowed from an extensive manufacture in other countries, had not occurred in Ireland. The operative spinners, flax-dressers, and weavers, still lived in a state of great poverty. They were able merely to obtain the bare necessities of life, without any small comforts and conveniences. This was owing to their being all cultivators of land, and paying away the wages they earned, as manufacturers, in rent to their landlords. The rate of rent they were willing to give to obtain land was, all their earnings as manufacturers would enable them to give, with a prospect of providing themselves with the plainest food. In this way the linen manufacture did not produce that rise of wages which was necessary, to place the operative workman in a situation superior to that of the agricultural labourer; and therefore, it was to take a very superficial view of the effects of this manufacture to say that it had been of any general advantage to the lower orders. If it was right, under any circumstances, to give encouragement to the extension of manufactures, the cotton manufacture would be in every respect preferable to the linen. It was the successful rival of the linen already, and the universal use of it made it likely to continue to prosper. As it was usually carried on by workmen living in villages and giving up their whole time to it, they would earn better wages, and by going to market for their food would form a new demand for the productions of the regular farmers. The hon. baronet now said he would examine the question on more general principles. He denied that the bounty could give any advantage to the Irish manufacturer. The hon. member for Kilkenny had spoken of the bounty, as if it was on the production of linen and paid for linens sold in the Irish

market; but the bounty was on the exportation of linens, and it had no operation till it was sold to the consumer abroad; and then its whole effect was to enable the consumer to buy the linen at a price just so much lower than the natural price, as the amount of the bounty. As the coarse Irish linens were chiefly sent to our colonies, the bounty was, to all intents and purposes, a nullity, except for the advantage of the West-India planter; for as no foreign linen could be imported into the West Indies, this bounty had not even the effect of giving to Ireland any superiority over foreign linens. As to the bounty being necessary to give employment to the people, no doctrine could be more at variance with the actual operation of the bounty. The quantity of employment depended upon the means of paying for it, that was, upon the quantity of capital in the country; but the bounty was to maintain a trade that, without it, would not pay the ordinary rate of profit, and thus it was a waste of capital to prevent loss, so that it contributed directly to diminish the funds for giving employment to the people. But, let its effect be as great as the advocates of it say it will be, in affording employment, after all, as it cannot create new capital it can only transfer employment from one occupation to another; and just in proportion as it may extend the linen manufacture in Ireland it will diminish employment in some other business. Under all these circumstances, as no case had been made out to justify the continuance of the bounty, he should vote against postponing the repeal till a later period than that proposed by the chancellor of the Exchequer.

Mr. *Hutchinson* regretted that he had to rise after the observations of the hon. baronet, but, in opposing his views, he spoke the sentiments of others better acquainted with the subject than himself. His hon. friend asserted, that the condition of the people engaged in Ireland, in this particular branch of manufacture was not improved by the continuance of the bounties; but those engaged in the trade entertained an opinion exactly the reverse, and the manufacturers in the south and west of Ireland strongly opposed the repeal of such bounties. There was ready for presentation a petition from the county of Cork, signed by 60,000 persons, which asserted the advantages to be derived from the operation of the bounties now

sought to be reduced. Under such circumstances, he put it to the chancellor of the Exchequer, whether he would press his measure, which, however right in the abstract was deprecated, in its practical operation by the great bodies of the people who conceived themselves affected by it. He particularly pointed out to his majesty's government the value attached to the coarse linen trade of Ireland in the report of the parliamentary committee of last year, and how the diffusion of that trade had introduced industry and peace in those districts which were previously a prey to riot and insubordination. He thought the right hon. gentleman should at least pause, and pay some deference to the fears and feelings of the Irish, even though those fears and feelings might be ill-founded or unjust. The woollen trade in Ireland had been ruined by king William, in consequence of an address from that House, and the linen trade established in its place. He would say therefore, that this trade had a right to every protection and encouragement which it could possibly receive from that House.

Colonel *Trench* approved of the general principle; but the linen trade had always been a forced trade. It had been made by the bounties, and those bounties ought not now to be discontinued. He knew that much linen was made for the sake of the bounties; and however just the general principle on which it was proposed to repeal them might be, still something ought to be conceded to the fears of the people.

Mr. *Dawson* said, he had made many inquiries on the subject, and had been informed by several manufacturers, that the taking off the bounties would have no effect on the trade. These gentlemen were well qualified to judge what would be the effect of the repeal. For his own part, he thought the repeal would be of no disadvantage. The trade was too well established to be hurt thereby. Linen to the amount of 2,500,000*l.* was manufactured annually, and the amount of the bounty paid never exceeded 90,000*l.* The reduction proposed was only 9,000*l.* a year; and it did not seem possible that this small sum could have any effect on this trade. He thought, under all the circumstances, that every encouragement possible should be given to the trade in Ireland, and though he generally voted with ministers, he would most certainly not do so on the present occasion, if he

thought the measure would be of any injury to that trade. He was surprised at the opinion of the hon. baronet, that the linen manufacture was of no benefit to Ireland. It was a manufacture not carried on in crowded cities, and gave both health and comfort to the people. It was favourable to morals, it was altogether a home manufacture, and every part of it was productive of wealth.

Mr. *Hume* thought the hon. baronet had been quite misunderstood. It was his opinion, that the bounties were of no good to the peasantry, whatever they might be to the consumers. The reduction proposed was so gradual and trifling, that it was quite absurd to suppose that any evil could result from it.

Sir *H. Parnell* replied to the observations of the member for the county of Derry by saying, that it was not a correct way of judging of the effect of the linen manufacture, to look only to the province of Ulster. There might be found other reasons which explained the prosperity of that part of Ireland, independent of the linen manufacture. What he was ready to maintain was, that the linen manufacture had not led to the improved condition of the lower orders; that their earnings were very low; that a great part of those earnings were absorbed in rent; and, on the whole, that there were many extensive tracts of country in Ireland, where the linen manufacture existed, without the operative manufacturers being in a state to command more than the most miserable subsistence, with bad clothing, and bad habitations. This was a proposition he was ready to go into in the detail, whenever a fit opportunity presented itself. As to the opinions contained in petitions, he paid very little attention to sweeping assertions of the improved condition of the people; and as to linens having been made for the sake of the bounties, that he knew had been the case, but greatly to the discredit and injury of the manufacture. On the whole, he begged the House to remember, that the bounties cost the country 300,000*l.* a-year, and, as the rate at which they were to be reduced was only 10 per cent a-year, they would still cost the country at least one million and a half, without doing any good whatever. He hoped a more rapid repeal of them would yet be adopted.

The House resumed, and the report was ordered to be received to-morrow.

HOUSE OF LORDS.

Tuesday, May 4.

SILK-TRADE.] The Earl of *Lauderdale* rose to call their lordships' attention to a bill which he meant to introduce for the repeal of certain laws relative to the Silk-trade. The bill he was about to submit to their consideration was the same as that which last session had passed the Commons, and come before their lordships from that House, with the exception of the manner in which the Irish acts were recited. The present moment was most favourable for proposing the measure, as those persons who were last year the principal supporters of the restrictions on manufactures and trade had materially changed their opinion. He might, therefore, have proposed this bill without saying a word on the subject, were it not that he thought it right to account for his own conduct in introducing it at this moment, by adverting to the change of opinion which had so generally taken place. If he was at all rightly informed with respect to the sentiments of the journeymen of Spitalfields, they would rather see all the laws on the subject of the silk-trade repealed, than experience the operation of an act, which relieved the master from the necessity of employing the whole of his capital. He certainly did not share the opinion of those persons who thought that the bill passed this session would produce the total destruction of the silk manufactures; but he agreed with those who would prefer the repeal of the whole restrictions at once to allowing the period fixed by the bill. The little knowledge he had of the silk-manufacturers was sufficient to convince him of this. He knew that the manufacturers looked up to the demand of the months of February, March, and April, as conclusive of the state of the trade. Hence it followed, that the first experiment which was to take place under the new act in 1826, would be made at the same time as the French importations.

The Earl of *Harrowby* said a few words relative to the proceedings with respect to the former bill which had passed on the report of a committee. He also questioned the extent of the alteration in the opinions of the Spitalfields journeymen.

The Earl of *Lauderdale* observed, that the report of the committee was in favour of the bill of last session. As to whether the opinions of the journeymen had changed or not, it would be sufficient for him to refer to the appearance of the neighbourhood of that House. He would ask their lordships, whether they had that day seen any thing like the assemblage of persons which the proceedings of last year, or even of the commencement of the present session, had occasioned? It was certain, that the opinions of the friends of restrictions out of doors, as well as of their supporters in parliament had undergone an alteration.

The bill was then read a first time.

UNITARIAN MARRIAGE-BILL.] The Marquis of Lansdown moved that this bill be committed.

The Bishop of *Chester*, in justice to his own feelings and the importance of the question, thought it necessary to say, that after giving his most anxious attention to the subject of this bill, he was only the more confirmed in his opinion, that the Unitarians had no reasonable grounds for their objections to the marriage-ceremony of the Church of England. The words in question were the words of Scripture, the words of our blessed Lord himself, and could not be altered without compromising the doctrines and the dignity of the established church. That the Unitarians had no ground for objecting to the words used in the marriage ceremony was evident from this circumstance, that they themselves adopted the same words in their baptismal ceremony. If any noble lord would show him any just reason for the objection of the Unitarians, he would give his consent to the bill. In his opinion, the retaining the words was indispensable; for the church of England would be wanting in what was due to her dignity, if she did not take every proper opportunity to declare what her faith in Christ was. The character of the church of England had always been that of a tolerant church, and he admitted that their lordships were called upon to grant liberty of worship to all sects; but the church was not therefore to be required to give up her doctrines and discipline. If the marriage-ceremony was to be altered, it was not easy to see what might be the consequence of such encroachments. If one stone was to be removed after another, what would become of the building? He trusted that their lordships would not

agree to any infringement of the doctrines and discipline of the church of England—of a church, the interests of which were so inseparably interwoven with the best interests of the state. Convinced that the liberty of conscience was not violated with respect to the Unitarian by the law as it at present existed, he should oppose the motion for now committing the bill, and move, that it be committed that day three months.

The Bishop of *Exeter* was of opinion, that persons who did not believe in certain doctrines ought not to be compelled to join in ceremonies depending on those doctrines, and would therefore vote for going into the committee forthwith. In that committee he should propose some amendments, the object of which would be to assimilate the bill as much as possible to the act for amending the marriage-act which passed last session, with respect to the prevention of clandestine marriages, by imposing certain penalties. He would also propose an amendment on the subject of registration of marriages. He thought that the Unitarians ought to be allowed to keep their own registers.

The Bishop of *St. David's* supported the amendment. He observed, that the doctrines to which the Unitarians objected were those of the majority of Christians, and what all members of the church of England must consider to be essential to Christianity. He could not consent to the giving up of a point of so much importance, which involved the denial of the doctrine of the Trinity. The Scriptures themselves might as well be objected to, as the marriage-service of the church of England.

The Archbishop of *Canterbury* said, it was certainly true, that the Unitarians denied the doctrine of the Trinity; but he wished those who opposed the bill to consider well what it was for which they contended. Was it their wish to enforce a seeming acquiescence in doctrines against the consciences of men? The consequence of maintaining such a practice must be, that ceremonies would be administered in one sense, and received in another. And what was this but a system of the grossest prevarication? For these reasons he was desirous of seeing the bill in the committee, where it might receive such corrections as it was susceptible of.

The Marquis of *Lansdown* said, he could not suffer the bill to go into the

committee without alluding to certain opinions which had received some degree of currency on this subject, but which appeared to him as inconsistent with the law of England, as they were absurd in themselves. When he had heard it stated, and seen it printed in some publications, that the law of marriage, as it existed in the reign of king William, should be restored, he could not help being greatly surprised; because if the law were so restored, there would be no reason for this or any other application of the kind. It was merely owing to an incidental consequence of the operation of the act of lord Hardwicke, the 26th of George 2nd, that dissenters were placed under the necessity of coming forward and asking relief with respect to the law of marriage. In passing that act, it was far from being the intention of the legislature to produce a simulated assent to the doctrines of the church of England. So far from being a bill for such a purpose, its sole object was that which, according to its title, it purported to be; namely, a bill for preventing clandestine marriages. Those who applied for the relief proposed to be given by the present bill, never entertained the idea that the church of England was to be called upon to give up any of her doctrines. No such concession was expected. What the Unitarians asked for, was, relief from a part of a ceremony in which they could not conscientiously join; and he never could suppose that any prelate of the church of England would wish to impose upon them an assent to doctrines, which it was well known they came to the church prepared to reject. The rejection of those doctrines could not be treated as illegal. They were allowed by law. And indeed, in modern times, when any question as to blasphemy came to be discussed before a court, a distinction had always been taken between that offence, and those opinions which arose out of an interpretation of the Scriptures different from that adhered to by the established church. The vague assertion, that the church was in danger, had often been productive of mischief, of which the Birmingham riots, when Dr. Priestley became the victim of a mob, afforded a remarkable instance; but it was to be expected that those who made this assertion would state what was the nature of the danger which they apprehended. Was it danger to the authority, or danger to the revenues of the church? It was said, that

the bill attacked the doctrines and the discipline of the church of England. Now, the same doctrines and discipline were to be found in the church of Ireland, and yet a marriage law existed there, similar in principle to the present bill, but much more sweeping in its provisions. In 1781, a bill had passed the Irish parliament, confirming an act of George 2nd, by which all the marriages of dissenters were made valid. And it was worth while to refer to the proceedings which had taken place on that occasion. The whole of the opposition made to the act was founded on an objection raised by some right reverend prelates in the House of peers, and which was in effect, that the measure was not such as that proposed by the bill now before their lordships. That the opinion of the Irish bishops, and the peers who concurred with them, was very different from that entertained by the noble and learned lord, and those who with him opposed the present bill, would appear from the protest entered on the Journals of the parliament of Ireland. The bill having passed the Commons, experienced considerable opposition in the House of Lords. The prelates and peers who opposed the bill entered into a protest, in which they objected, that it did not provide sufficiently against clandestine marriages and facility to divorce. But, what he wished more particularly to press on their lordships' attention was, the clause of the protest which was signed by all the prelates, and in which the ground of dissent expressed was, that those who opposed the bill had repeatedly declared, that they were willing to vote for another bill which would make the marriages of dissenters good and valid, provided they were solemnized under the sanction of the clergy of the established church. In fact, all that he objected to was, that the bill did not sufficiently conciliate the rites of the marriages of dissenters with the authority of the church. This, however, was completely done by the present bill, in which the authority of the church was fully maintained. If Unitarians were to be permitted to exist at all, they must be allowed to contract marriage. On that ground merely this bill ought to pass. It was full time for the church to get rid of the practice of enforcing a simulated assent to her doctrines. In proportion as marriage was regarded as an institution of importance to society, it was to be wished that it should be entered into with due

solemnity, and that the contracting parties should not be compelled to submit to a ceremony which they could not respect. If, indeed, there were persons who viewed all religious establishments with indifference—who regarded them as mere engines of government and state police—such persons would entertain little scruple as to any ceremony they might be required to perform. But the case was very different with the sincere dissenter, who could not conscientiously avail himself of the subterfuges which the state of the law presented. The noble marquis concluded by intimating, that he would not oppose the amendments suggested by the right rev. prelate opposite. He begged their lordships to recollect, that the regulations proposed by the bill were not only for the case of the dissenters, but for the general security.

The *Lord Chancellor* said, that the respect which he bore for the noble lord who had just sat down, as well as the high regard which he entertained for the right reverend prelate who had spoken in favour of this bill, made it impossible for him, after what had passed that evening, not to address their lordships, and to state the grounds on which he could never give his consent to this bill going into a committee. He would not say that it was impossible to frame a bill for the relief of the class of persons who were the objects of the present measure, but this bill contained principles to which, consistently with the protection of the established church, he could not consent. He did not wish to press his opinion on their lordships; but it was his duty, having spent the greater part of a long life in the service of the public, to state his conviction, that if ever this country should have the misfortune to lose the protection of the church of England, she would lose the best protection for toleration. On account of the dissenters themselves, therefore, he should feel it necessary to protest against every thing which would tend to degrade the established church. Religious toleration could not be liberally and extensively enjoyed, unless the church established was of liberal and enlarged principles; and such, in his opinion, was the character of the church of England. The noble marquis had found fault with him for raising some doubts as to the legality of the tenets of the Unitarians. But, what were the facts? By the Toleration act, persons denying the Trinity were deprived of the benefit of

that act; and so it stood until the repeal of the 9th of William. No man was more averse than himself to the severity of the punishments which might have been inflicted before that act was repealed; but the matter was perfectly understood at the time; and though certain learned ecclesiastics had thought that that repeal let loose all the law, as to denying the doctrine of the Trinity, yet of this he was assured, that the respectable person who brought that bill into the other House of parliament had no such notion; and in a case which had come before him (the lord chancellor), the title of which was "the Attorney-General v. Pearson," that learned and distinguished lawyer, sir S. Romilly, held an opinion similar to that which he entertained. It was an application to carry into effect certain charitable purposes which were formed before the time of king William. Sir S. Romilly insisted, that the common law remained as it was before; and though with respect to other dissenters it might be different, yet as to the Unitarians it was as much out of the power of the lord chancellor to establish a provision for them as for Judaism. He (the lord chancellor) did not think that he did wrong in refusing to decide that point, coming as it did incidentally before him, and his judgment being founded on the fact, that the charity was instituted before the 9th of William, and that that statute had decided that the doctrines of those who denied the Trinity were contrary to the christian religion. What he now stated was only to vindicate himself from the imputation of having thrown a doubt on a subject, on which no doubt could reasonably be entertained. With respect to the bill itself, it had been clearly stated, that on the principles on which the House were called upon to pass it as to the Unitarians, they might be called upon to pass a bill with respect to all dissenters. The noble marquis had disclaimed it, but he (the lord chancellor) would go further and say, that if their lordships passed this bill, they could not refuse it to any other dissenters. The present measure was justified on the ground of what had been done for the Jews and Quakers. Now, what was it that had been done for them? In the act of the 56th of George 3rd, there was a provision that that bill should not apply to them. But this bill was nothing like that. And even as to Jews and Quakers, it was probable that their

lordships might be called upon soon to pass some bill with respect to them, as he had, for the last eighteen days, been employed in hearing the arguments of counsel on the subject. Certainly, the exception in the act of 56 of Geo. 3rd could only mean, that those marriages should be just as valid as if that act had not passed: but what made them valid it was not so easy to say; and as reference had been made to the subject of torture, he would say that he supposed their lordships would rather bear all the tortures of the Inquisition than hear all the arguments adduced on the subject. It was certainly a curious subject; and it was very desirable that some act should pass to set the matter at rest. If he were to go into the detail of this bill, he could tear to pieces every sentence of it; but the details were matters for a committee. It was said, that the persons calling themselves Unitarians had real scruples of conscience on the doctrine of the Trinity. So had deists, atheists, and others. If he understood the doctrines of the church of England at all, it was impossible that there could be a greater repugnance between any doctrines than there was between the doctrine of the church of England and the Unitarians. The Unitarians must think the church of England idolatry. What, therefore, would be the sort of comprehension that it would effect? If they chose, indeed, to put themselves on the same footing as Jews and Quakers, let them ask for such a bill; but let not the House make the church of England the handmaid of the Unitarians. He could not to this policy consent to sacrifice the great the paramount policy of holding up the church of England as that church had hitherto been maintained. On these grounds, he could not consent to go into a committee on a bill, which must, in his opinion, tend to dishonour and degrade the church of England. Their lordships might pass the bill, but he had discharged his duty in giving his opinion on it; and he thought a worse bill had never been submitted to parliament.

Lord Holland said, that after the former long discussion which took place on this subject, he did not expect to hear so much warmth and anxiety expressed on the motion for going into the committee. On coming down to the House, instead of employing himself in considering the important bill before them, he had taken up a publication of the correspondence of

that amiable man Mr. Cowper, and he had met with a story which he would relate, though probably it might be thought but little to the purpose. Cowper related that he was walking along the coast when he met with a great lawyer, whom, in language somewhat familiar, he called Sam Cox, who appeared meditating deeply on the vast expanse of waters before him. Cowper asked him what he was musing on; when he replied, that he was considering how strange it was that the vast element he was contemplating should produce so contemptible a creature as a sprat. What he (lord H.) felt, was the converse of what was felt by this great lawyer; for he could not conceive how this sprat in legislation, this miserable bill, could have produced so great a commotion in the House, and should be thought by the reverend bench calculated to disturb the security of the church establishment. He was equally at a loss to know, how the learned lord on the wool-sack could think that his abstruse refinements and latent doubts were called into action by this little bill. He would recommend the noble and learned lord not to cry "wolf!" at every little mouse on the floor. A stranger who had heard what had passed in the House, would be surprised to learn that the whole question involved in this bill was, whether persons of the Unitarian religion should be allowed to marry as they were before the year 1756, and as they still were in Ireland, in consideration of the feelings of conscience which they professed. Some reverend prelates had taken upon themselves to explain, not the scruples of their own consciences, but of other persons, and to assert that the Unitarian could feel no scruples on this occasion. He knew no way of ascertaining scruples of conscience, either of communities or individuals, but by the declarations of the parties themselves; and he had still to learn, that when he declared a thing was contrary to his conscience, any other person might tell him it was not so. It was said that the words objected to were the words of our Saviour, and employed by the Unitarians themselves. The Unitarians said, "We do employ the words, but in another sense, and in the way our Saviour did employ them; but when you take the words from that place, and employ them in another way, we say it is hard upon us to be called upon to put another sense on these words." On this

invitation to tergiversation the right reverend metropolitan had observed in a christian-like manner; and though he (lord H.) might be thought to be more popishly inclined than others of their lordships, he should be sorry that such should be his opinion of the church of England. The noble and learned lord said, that this bill made the church of England the handmaid to the dissenters, and he had dwelt much upon the broad distinction between the Unitarians and the church of England. Now, from that, any man would suppose the bill was the reverse of what it was. It would be imagined, that it was a bill to join the members of the church of England and the Unitarians, which was precisely the thing the bill was to get rid of. The noble and learned lord had conceived, that the registration of the marriage would make the church of England the handmaid of the dissenters. What should be said of it, then, when she married them, but that she made something worse than a handmaiden of herself, even a prostitute? The noble and learned lord asked, if they wished to be put in the situation of the Jews and Quakers, and said, "bring a bill forward:" but, would he support the bill if it were brought forward? The greater part of the noble and learned lord's speech consisted of statements, that the common law as to Unitarians had not been touched; but, what was that to the purpose? There was an important bill which would soon come under discussion, namely, the Alien bill. In the former debates on which, he had taken an active part, and had once stated, that he had great doubts as to who were aliens and who were not. He had called upon the noble and learned lord to state who aliens were; but he got no satisfactory answer. He had moved seven questions to be referred to the judges on the subject, and the noble and learned lord had thereupon said, he cared not who aliens might be, but where they were they must be subject to this law. Again, on the bill which he should ever consider a disgrace to this country, for the detention of Napoleon Buonaparte, he had asked, if he were a prisoner of war or not? Had we a right to call upon him for local allegiance or not; and had he a right to call upon us for protection? Would an action lie if brought in his name? The noble and learned lord replied, either that he did not know

or he would not tell. This was what had been said on that occasion, when the liberty of that individual was to be restrained; but, when a single step was to be taken in the way of charity and indulgence, no advance must be made till every doubt was removed. It was said, that this bill would be derogatory to the established church. He had always thought, that the characteristics of the Christian church were lowliness and humility; and it seemed to him, that the feelings of the learned metropolitan were in unison with the genuine dictates of Christianity. He (lord H.) felt that the measure would not only be a relief to dissenters, but to the church of England itself; for it must, to say the least, be a painful duty to be using that name which the conscientious churchman never could use without the most solemn impressions, towards persons who listened to it only in conformity to an act of parliament. It could not be proper that they should be placed in the situation of saying to the dissenter, "We fare sumptuously every day, and hold the opinions of kings and princes, whilst you are poor, proscribed, and pick up the crumbs which fall from our table." This was exciting that spirit of Pharisaical pride which every man who understood the spirit of the Christian religion, and loved the established church, would be willing to see thrown far from it. As to the noble and learned lord speaking of this bill, as if it were a stone cast at the church of England, he recollected reading lately an elegant invective against exaggeration, which he wished the noble and learned lord had read. Surely the noble and learned lord had been guilty of exaggeration when he spoke of this bill as a great blow to the church, and had told the reverend bench, that they must disregard the minor question of dues, tithes &c., since, if bills of this sort were allowed to pass, there was an end of the church altogether. He had before learnt from the noble and learned lord, that until lord Hardwicke's time there was no law in England; and he now learnt that there was no church of England in Ireland, for Unitarians might marry there. Amidst all the grievances which afflicted that country, this, the greatest of grievances, had escaped observation—that the Unitarian dissenters could marry there, without being forced into the body of the church. The noble and learned lord apprehended the greatest danger to the

church, and had expressed his great devotion to her cause; but he had all along left out of his argument, how this bill was to effect this dreadful catastrophe. He (lord H.) would give the bill his support, because it was for the relief of a moral and religious class of persons, who stated the law at present to be against them; because he thought the relief could be granted without infringing on the protection which had been given against clandestine marriages; and because it deprived the clergy of nothing. The registration was not a religious duty, but merely a civil regulation, the performance of which was imposed by parliament; and for the alteration they were not without precedent, as the law would only then be as it was before lord Hardwicke's time, and as it was at present in Scotland and Ireland.

The Earl of *Liverpool* said, he would support the principle of the bill, though he was convinced that no person who had attended to his public conduct could doubt his sincere attachment to the church establishment to which it was alleged, by some of their lordships, to be hostile. He could not conceive the possibility of danger or of injury to the established church from the provisions of this bill. What did they do? They merely placed a certain class of dissenters on the footing on which they were prior to the passing of lord Hardwicke's act. His noble and learned friend on the woolsack had contended, that the bill should apply to all dissenters as well as to Unitarians; but he had not attended to the fact, that the Unitarians in respect to the article from which they were to be relieved by the bill, stood in a different situation from other dissenters. It had been said in the course of the debate, that the compliance required by the church to the obnoxious parts of the marriage ceremony could scarcely be called a hardship; but of this the Unitarians were, as had been truly observed by the noble baron opposite, the best judges. They thought it a hardship; and he respected their religious scruples. He could not form a decided opinion with respect to the propriety of altering the law as it regarded other dissenters. A bill for general relief had been brought in some time ago. He had agreed to the second reading of that bill, on the prospect that it could be amended in a committee, though he agreed in some of

the objections to a general measure, and had stated at the time, that he thought it less difficult and less hazardous to apply a specific remedy to each particular case, than to pass a general measure embracing all dissenters. He thought still, that if proper securities were given against fraud and clandestine marriages, there could be no objection to allow dissenters of all denominations to marry according to their own rites, provided both the parties to the marriage contract were without the pale of the church. The noble earl then delivered his opinion with respect to the effect of the act for the relief of Unitarians in 1812. Difficulties and doubts might be stated as to the legal effect of that act, as difficulties and doubts might be stated on the meaning and construction of every other law; but it was universally understood to have afforded substantial protection and relief. In the same manner, doubts were started with respect to the marriages of Jews and Quakers; but every one knew, that since the act by which they were exempted, the marriages of those sects had been considered legal. The bill was intended to place Unitarians in the same situation in this respect as Jews and Quakers. His noble and learned friend on the woolsack had asked, why the Unitarians did not place themselves in the same situation? This might be a subject for deliberation in the committee to which it was now proposed to send the bill. Whatever might be the merits or defects of the bill, he could not understand how it could in any way operate injuriously to the church of England. He concurred with the noble baron opposite on this point, and he was the more ready to express that concurrence, because he differed from the noble baron most essentially and fundamentally on many important questions connected with the security of the church of England. He agreed also with the noble baron that it was not the wisest policy to stretch every little measure of concession into a question of alarming magnitude; and that such a course was ill calculated to secure the safety of the church, in cases where danger really existed. Believing as he did, that this measure was founded on principles of sound policy; that it was in no degree opposed to the law and constitution of the country; and that it was calculated to afford relief to a class of dissenters who were entitled to relief on

the score of fair, conscientious, scruples, he should certainly vote for the bill going into the committee,

The House proceeded to divide on the Amendment. Contents, present, 55; Proxies 50—105. Not-Contents, present, 41; Proxies, 25—66. Majority in favour of the Amendment, 39. The bill was consequently lost.

HOUSE OF COMMONS.

Tuesday, May 4.

ORANGE LODGES—PETITION AGAINST.]

Mr. *John Smith* said, he rose to present a petition that referred to a subject of the highest importance, and which called for the prompt and decided interposition of his majesty's ministers, or, if they declined to interfere, the immediate attention of the legislature. The petitioners complained, with great justice, of the numerous and aggravated mischiefs which were the natural effect of certain political societies existing in Ireland, known under the designation of Orange and Ribbon Lodges—societies held together by secret objects, founded on religious differences, and whose existence never ceased to interfere with the public tranquillity. The petitioners alleged, that in the fury of such conflicting associations, and in the state of outrage that followed their introduction, it was impossible, even for men most inclined to be peaceable and obedient to act upon their wishes. Where the law was without power, it was impossible even for moderate men to remain neutral. The petitioners stated, that though the late law interfered with the secret oaths, yet it was notorious that the Orange Lodges had become more numerous, and had assumed somewhat of a legal character. They alleged that whenever and wherever an Orange society was introduced, a Ribbon society was immediately formed. He regretted that he did not see in his place the right hon. Secretary for Foreign Affairs, because he well recollected the strong opinion that right hon. gentleman (Mr. Canning) had given as to the character of these societies, when a motion was submitted from the Opposition side of the House, by the president of the Board of Control (Mr. Wynn). With that eloquence for which the right hon. Secretary was so distinguished, he had scouted with indignation the idea that, under any conjuncture of circumstances, such societies could be

considered favourable to good government. Their very existence indicated the want of strength in any government under which they were tolerated. Indeed he was persuaded, that the more the subject was investigated, the fuller would be the proofs that the greater portion of the evils that afflicted Ireland were to be attributed to the bad passions and ill blood which sprung out of the conflicts of these opposing associations. The petition was signed, with the exception of a few gentlemen, by farmers and labouring persons. From some cause or another, the latter description of persons were not in the habit of approaching the legislature with their petition. It was, therefore, to him a source of great satisfaction to be selected as the individual to present their petition to the House. He did not see in his place the right hon. secretary for Ireland, but he hoped that the attention of that government would be applied to the necessity of repressing all political associations in that country. He was not then prepared positively to say, whether he should or should not, introduce any measure for the repression of that mighty mischief; but, if his majesty's government should not interpose, he had such an object in his contemplation. He hoped, however, that the ministers of the Crown, whose more immediate duty it was, would apply the remedy. They could not plead ignorance of the deplorable results of those illegal and dangerous associations. These results were proclaimed from the bench of justice by the judges of the land, and their existence was declared incompatible with good government. He begged leave to bring up the petition, which was from the inhabitants of certain districts in the county of Westmeath.

Sir *J. Newport* said, he participated in the satisfaction expressed by his hon. friend, at seeing the description of persons whose names were attached to the petition, approaching the House with their complaints and their prayers. Most truly did their petition describe the outrages to which the existence of these societies led. Again and again it had been his unsuccessful province to warn that House of the disastrous consequences which could not fail to follow the existence of these associations. It was impossible that one of these associations could be tolerated, without immediately producing, in the neighbourhood, a

counter society, composed of persons of opposite religious opinions. Such a state of things was naturally at war with that true spirit of religion, which induced men to give to those who differed from them, the credit which they themselves took for sincerity of belief. It was idle to assume, that because men of character and reputation took the lead in the direction of these associations, that, therefore, they could circumscribe the conduct of the great body of its members. There could be no peace, no tranquillity no security, in Ireland, until government manifested, in the most unequivocal manner, its hostility to these Societies. As his hon. friend had justly stated, his majesty's government could no longer plead ignorance of these outrages, and their disastrous effects. Even on the last circuit, it was announced from the bench to the grand jury of a northern county, that if they allowed Orange societies, they must prepare for the establishment of Ribbon associations. These words had been verified to the letter. It was the duty of the government to take care that its functionaries were not supporters and members of the society. If the public knew well that men of high office and influence were connected with these associations—that they held the situations of grand master and deputy grand master of Orange Lodges—it was impossible for them to think that the government who continued such men in office were sincere in their deprecation of such societies. While such a system was persevered in, there would be no public confidence. Who would transfer capital to a country the prey of organized factions? Who would speculate on the security of a state of things, in which the men actually holding offices, supported societies to which the character of the government was ostensibly opposed?

Ordered to lie on the table.

DISTILLERIES—PETITION FROM LANARK FOR A FREE TRADE IN SPIRITS.]
Lord *A. Hamilton* presented a petition from Lanark, praying that Scotch Spirits might be imported into England on the same footing as Irish Spirits. The noble lord observed, that the chancellor of the Exchequer had last year held out an expectation, that he would, in the course of the present session, introduce a measure for the purpose of remedying the injustice of the present law. He was very

desirous of knowing what the right hon. gentleman intended to do.

The *Chancellor of the Exchequer* replied, that it was perfectly true that, in the course of the discussions last year on this subject, he had given the distillers of Scotland, and the House, reason to believe that it was his intention in the present session to propose some definitive measure respecting it. It was not without great regret that he found himself unable to do so. But he could assure the House, that this omission did not arise in the slightest degree from any denial on his part of the allegations in the petition, or from any doubt of the injustice and unreasonableness of the law in its present state. He was quite as satisfied as the noble lord, that the law could not remain in its present inconsistent condition. It was unquestionably unjust that Irish spirits should be admitted into this country on certain terms, while Scotch spirits were excluded; but, the House would do him the justice to recollect, that the measure by which this anomaly was established, was not introduced by him. He found the law as it now stood, and as it had long stood. But he repeated his regret, that he could not, with a view to the satisfaction of the interests particularly concerned, and of those of the country at large, propose a definitive measure on this subject in the present session. It would be most unwise to do any thing prematurely with respect to it. The measure which he had last year introduced was partial; and he had introduced it only because the evil was one of so crying a nature as to require immediate remedy. As far as it went it had been successful: but it tended to produce an evil in an opposite direction. It was his most anxious desire to bring forward a bill, that should be completely and permanently satisfactory. All that he asked was, not to be forced into a premature and undigested measure, which would merely throw matters into a state worse than that in which they were at present.

Mr. *Hutchinson* protested against the violation of the act of Union on this subject. His countrymen insisted on their right of bringing in every article, the produce of Ireland, to the English market, there to be saleable, without its undergoing any process whatever in this country. The raw spirit of England was deleterious; but the raw spirit of Ireland

was excellent. It was drunk by the highest and by the lowest of the people of that country. It was a spirit which they had been drinking for centuries, and which they hoped to continue drinking for centuries to come [a laugh]. It was absurd, therefore, for the late chancellor of the Exchequer to adopt the measures respecting it which he had done. He fully agreed in the prayer of the petition, and he trusted the right hon. gentleman would bring forward some proposition which would remove the existing grievance.

Ordered to lie on the table.

ADVANCE OF CAPITAL TO IRELAND—EMPLOYMENT OF THE POOR.] Captain *W. L. Maberly* said:—Sir, in rising to move that the House should take into its consideration the propriety of addressing his majesty for an Advance of Capital to Ireland, I am sensible I am open to the charge of no small degree of presumption. It is not that I have been unaware of the importance of the subject, or have underrated its difficulties, that I have been induced to undertake a task, so arduous in its nature, so complicated in its details, I have approached it with far different feelings, and if I have been rash enough to embark in it at all, it has been solely from the consideration, that in the full conviction I entertained of the benefits that would result from it to Ireland, and in the absence of other members more competent to engage in it than myself, it became an imperative duty in me to press it upon the attention of the House. In discharging this duty, I am anxious to disclaim all motives of political hostility to the right hon. gentlemen opposite; I am actuated solely by a spirit of conciliation and a desire for the improvement of Ireland, and it will be my care, therefore, in going through the detail, into which it will be necessary for me to enter, cautiously to abstain from every topic that might arraign the Administration of that country, and that might wear the appearance of a wish to promote irritation or to impute misconduct.

Sir, to any one who considers Ireland at a distance, and in a superficial manner, it is no small matter of surprise, that governed as she is by the same laws, regulated by the same institutions, subjected to the same legislature as Great Britain, there should still exist between them such striking dissimilarities. If, however, such

a consideration should excite astonishment, that astonishment would altogether cease upon a nearer inspection, it would be found that the two countries had the same laws, the same institutions, the same legislature; but that in one of them they were so modified by moral causes, that there existed in it such differences of manners, of habits, and character, as fully to account for all the dissimilarities that distinguished and separated it from the other.

Sir, one of the most prominent of those evils which Ireland has to complain of, is her redundant and excessive population. It is not that it is large in proportion to the extent of territory, but that it is so in proportion to her means of employing it. It has been frequently, though as I think erroneously, asserted, that this evil is owing to the cultivation of the potatoe; I contend, however, that it is not to the use of the potatoe that the redundancy of her population is to be traced, but to the habits and manners of the people, which would equally have existed, had their food been of a lower or higher description. I cannot by any means conceive, that the use of the potatoe has caused the population of Ireland to be more redundant than it would have been, if the food upon which her peasantry are subsisted had been of a higher description. By the redundancy of population an altogether different thing is meant; we mean the ratio which the numbers of the inhabitants of a country bear to the means for their employment; and if in the instance now before us, the poorer classes are destitute of the means of profitable labour, if it is shewn that the numbers are excessive compared with the capital to put them in motion, it is not to the potatoe that the redundancy is to be ascribed, but to the peculiarity of their manners and their customs, which has caused them to multiply in so extraordinary a manner. The extensive use of the potatoe may be the reason that the population of Ireland is large, it may be the explanation of its being seven millions, while if wheat had been used as an article of food it might only have been three; but it is no cause of redundancy; that circumstance is only to be accounted for by the habits and the character of the people.

If, however, the redundancy of the population of Ireland is not to be attributed to the peculiar description of its food, the general adoption of the potatoe by the peasantry has subjected them to two

evils of the greatest magnitude. The first, that already being supported on that food which is the cheapest and lowest in its kind, in the event of scarcity, they are deprived of the power of retreating upon a lower quality of subsistence, but are at once reduced to misery and famine. The second, springing partly from the first, without which it would have been considerably weakened in its force is, that in the humid climate of Ireland the potatoe crop is precarious and frequently fails, subjecting the peasantry, by its failure, to the most dreadful of privations. Sir, any person who examines the history of Ireland will find that famines instead of being rare, have in that country been of frequent occurrence. Even in the short space of time between the present period and the commencement of the century, there have been no less than four, very general in their pressure. In 1801 there was a famine, another again in 1812. Another occurred in 1816 general over nearly the whole of Ireland, and which was protracted even to so long a period as 1819. The last and most calamitous is that of 1822, still fresh in the recollection of the House, and in the memory of every honourable member that sits round me, both from the extent and intensity of its distress. It would be wholly foreign to my purpose to enter into its afflicting details, but if any one is anxious to view more nearly the privations and the misery it occasioned, I would refer him to the report of the London Committee, he will there find a mass of disgusting evidence on the condition of this unhappy people, such as it is scarcely possible for the mind to conceive, infinitely more difficult to believe, that mortality should have been able to endure.

It is to this evil, that of an excessive population, and the distress that is naturally consequent upon it, that I am convinced, is to be mainly attributed the calamitous situation of Ireland. The sufferings of the people, combined and aggravated as they are by political grievances, frequently become too great for endurance, driving a miserable population into lawless acts of outrage and rebellion. In the disturbances, however, of Ireland, when compared with those of other countries, there is this peculiarity, as has been well observed by the hon. member for Inverness, in an admirable speech delivered by him in 1822. In noticing the circumstance, that in Ireland local grievances

are followed by a general commotion, he says, "In every country local oppression may take place, and local commotion may follow, but the question that naturally suggests itself with respect to Ireland is this, how does it happen, that a local commotion becomes so rapidly a general disturbance?" Sir, this is the striking peculiarity in the case of Ireland, and I agree with him in the solution of it, that the rapid spread of insurrection is mainly to be attributed to the debased and degraded condition of the peasantry of that country. See under what various shapes insurrection breaks out, sometimes it is attributed to oppression, sometimes it is given to tithe, sometimes to high rents, sometimes to the agitation generated by religious differences; but whatever be the immediate causes of discontent, this follows as a matter of course, that it speedily becomes general; the peasantry are debased, they easily become the prey of every artful agitator, the instruments of each designing incendiary, and a single instance of oppression is blown speedily into a flame, that spreads its destructive ravages over the whole surface of the country. The next question, Sir, that suggests itself is this, what remedy is to be applied to this formidable evil? Direct alleviation is impossible, for the subject of population is one altogether exempted from the influence of legislative remedies. Indirect legislation is the only palliative to which we can resort. If we find that population has been rashly encouraged, and that bounties have been offered by the law that have produced a considerable effect, it is competent to us to take away the stimulant and check the influence of the measures that have had such an injurious tendency. I do not wish to do more than lightly touch this portion of the subject, though I cannot suffer myself to pass over causes that have greatly tended to swell the evil I complain of. There are stimulants to population in Ireland which are capable of being removed, the low qualification of voters, and the interest of the Catholic clergy; the former of these is attributable to the pride and ambition of the gentry; the system of small holdings has been supported and multiplied by the land-owners, whose vanity has been gratified, in having ready at their call an army of retainers and dependants. The other stimulant to population, the interest of the Catholic clergy, arises from the nature of the pro-

vision upon which they depend for their support; paid, not by the state, but by fees from their parishioners, and which chiefly accrue from the celebration of marriage, they have a direct interest to encourage marriages, however improvident they may be, from which their stipend is to arise. It is an unwise policy in any state, when it can avert it, to permit the interest of individuals to be in opposition to their duty, it should rather be the part of every prudent government to divert the private interest of their subjects into the current of the general utility. Upon this account, therefore, I cannot help expressing a hope that some honourable member will be found, who, at a future opportunity, may suggest a remedy for the evil, by a diminution of at least a portion of the stimulants to this redundancy of population.

There is, however, one natural remedy for excessive population, to which governments have frequently resorted, and which is the only one that can be employed without such undue interference in the minute details of private life, as would not be patiently submitted to by the subjects of a free country. There is a method of repressing population, if one may so call it, by increasing the capital of a country, and swelling the fund which furnishes the means of employment. In order to be understood it will be necessary for me to explain this point a little more fully. It will at once be evident, that although the population of a country be increased, if its capital also be increased precisely in the same proportion, the relation of the two remains unchanged, the augmented capital furnishing undiminished employment to an augmented population. If, however, the numbers of a country shall increase, and the capital shall increase also, but the progress of the latter shall be more rapid than that of the former; in such a case, the condition of the people will be improved, wages will be augmented, it will enjoy a greater share of the comforts, conveniences, and luxuries of life, its means in short of happiness will be essentially and widely enlarged. Such a course is open to us in the present instance: we may improve the state of Ireland by adding to the amount of its capital; but to the adoption of the plan there is a formidable objection which it is necessary for me to state. And it is simply this, that experience shows us in every state, it is demonstrated to us by every history, that no

country can hope to increase in wealth without the enjoyment of security. We may see many instances where nations that have been cursed with an ungenial climate and an ungrateful soil, have nevertheless accumulated wealth, and attained to great political eminence, while those countries to which Nature has been more bounteous, and has blessed even with the exuberance of her favours, have been doomed to remain barren wildernesses, by reason of their impolitic institutions. We are all of us well aware that such is the case at present with some of the fairest portions of the globe, which the existence of causes such as I have mentioned have condemned to a hopeless and irremediable poverty. Without security there can be no accumulation of riches, without a moral certainty that every one will be enabled to enjoy the fruits of his industry, after he has earned them by patient and protracted labour, there can be no stimulus to activity and exertion; he can have no motive to better his condition, or to pursue the methods which generate and swell the wealth and prosperity of nations.

If, however, this position be correct, and for my own part I deem it to be unanswerable, and if Ireland be at present in the circumstances I have described, how can we hope to better her condition, how increase the capital of a country in which avowedly, there is an absence of security? The objection would be insurmountable if it were not for her peculiar situation, and if no remedies could be proposed, her most ardent friend must abandon her cause in despair. Such a remedy, however, is, I believe, to be discovered, and it will be my object to make out, and I hope satisfactorily to the House, that it is entirely to the want of employment, that is owing the insecurity that pervades that unfortunate country. This subject was fully entered into last year, by a committee appointed by the House, to inquire into the employment of the labouring poor in Ireland. I am sorry to trouble the House by going into that evidence at any length nor would I do it, if the motion I am shortly about to make did not altogether rest upon the circumstance I have stated, and which I conceive I am bound to make out, for unless I can demonstrate, that want of employment gives rise to insecurity, and that on the contrary where employment exists, there also security is to be found, I cannot hope to succeed in my endeavours to persuade the House of the necessity of adopting my present proposition.

The first evidence I shall produce upon this part of the subject, is that of the right hon. member for Kilkenny (Mr. Dennis Browne), who was examined as a witness upon that occasion. He is asked "Do you think the introduction of the linen manufacture into that county (Mayo), has contributed to its political tranquillity?" The answer is, "We have seldom had any disturbance, we have more manufacture, and more industry, than, as I think, any county in Connaught." He is then asked, "You have stated that in the county of Mayo the poor are much employed, and that they have been pretty uniformly tranquil; as an Irish gentleman who must be well acquainted with your country, in your opinion is not the want of employment in the whole of Ireland the great cause of the disturbances that have taken place in that country?" To which he answers "Most certainly." The next evidence I shall adduce is that of the right hon. member for Waterford (sir J. Newport), who is asked "Then are the committee to understand that in the neighbourhood of Waterford, where there has been employment of the people, there tranquillity has prevailed, and in parts of Cork where there is less employment, there disturbances have arisen." He answers, "Precisely so. There has been no shade of disturbance in Waterford anywhere, and I attribute it to that very point I have mentioned." He is then asked, "As a general proposition, do you connect disturbance in Ireland with a want of employment?" He answers, "Very considerably." The next testimony I shall cite is that of Mr. Owen, which I think is of the greatest importance, and well worthy the consideration of the House. Mr. Owen was induced to go to Ireland in consequence of the distresses that prevailed there in 1822, resided in that country for a period of eight months, and from his character and intelligence may be presumed to have mixed a great deal with the labouring classes, and to be fully capable of giving an account of their condition. He is asked, "In case tranquillity was restored in the south of Ireland, do you conceive that capital might find its way into that country, if they carry into effect the scheme you have suggested, as being likely to be a profitable one?" "It is very probable, provided the country was in a state of tranquillity; as far as I could judge by what I saw, it is not likely that Ireland can ever be in tranquillity until occupation be first of all procured for

the peasantry, that is the first and most necessary step." "Then do you consider the want of occupation to be amongst the principal causes, or the principal cause of the disturbances in the south of Ireland?"—"I believe that to be the principal if not the sole cause." "What are the facts upon which you found that opinion?"—"Wherever the working classes are occupied in such a manner as to produce them tolerable comforts, I have never seen them discontented." The committee ask whether this is an abstract principle, or applicable to Ireland, he says it is a general principle applicable to all countries, but particularly so to Ireland. He is then asked, in what parts of Ireland he has seen employment of the population produce such effects, and he answers in the north. The next evidence is Mr. Sterne Tighe. He states, that to the want of employment he attributes every thing that now affects and disgraces that country; and in a further part of his evidence he adds, "I have no hesitation in saying, for the last five or six years, we have seen Ireland under the alternative of finding employment for its people, or diminishing its population by the gallows, the sword, or by transportation." He then cites a case that came within his own knowledge—"In the disturbances that have taken place in your knowledge, have they taken place at a time when employment was most deficient?"—"I have no hesitation in attributing, generally speaking, all the excesses of the population of Ireland to distress. It was my fate to assist upon the bench, to bring to trial and conviction and execution, a gang of persons similar exactly to those in operation in the south of Ireland. I heard when the judge, lord Norbury, was passing sentence upon them, one of them said, 'we went eight miles, where we heard there was employment given,' which was the parish where I lived, 'and if we could have got that, we would not have been here this day,' and I believe it." To this I might add that in the neighbourhood of Clonakilty in the County of Cork, and in the barony of Corkaguinny, in the County of Kerry, where regular employment was afforded by the linen manufacture, there tranquillity had prevailed, and no disturbances taken place.

But, Sir, I do not stop here, I intend not only to show that there has existed no disturbance where there has been employment, I intend to go a step further, and prove, that in those cases where disturb-

ances actually existed, when employment has been furnished to the people, it has instantly caused them to subside. For this purpose I shall beg leave to cite an extract from the evidence of the right hon. member for Kerry (Mr. M. Fitzgerald). He is asked, "Do you connect the present disturbances in the south of Ireland with the inadequate means of employing the people?"—"In a very great degree. An engineer who was sent to the most disturbed part of the county of Cork, informed me that he very soon pacified them by an extended employment of the people, in making a new line of road, and by inquiries amongst the farmers, and persons most experienced in the actual state of the country. I was convinced that if employment was sufficiently extensive, the turbulent habits of the population would be altogether abandoned." The next instance which I would beg to quote (though I feel ashamed to occupy so much of the time of the House), is from the evidence of Mr. Furlong. He is asked "Do you think that want of employment is one of the great causes of disturbance in that country?" "I do. I have reason to know there was a vast deal of disturbance upon one particular estate, and a relation of mine has been lately appointed agent on that estate; there are thirty-five thousand acres on it, and it was in rebellion, but from the liberality of the trustees, enabling him to employ the poor there, he assured me that he had not one troublesome man on the estate now, they are all quiet, and anxious to work and be industrious, and they were actually starving when he went down." "The state of such property before such means were adopted, was one of great insubordination?"—"Great." Sir, my honourable friend on my left informs me that the property I have just alluded to is the Courtenay estate, on which the present disturbances first had their origin, and from whence they were communicated to other portions of the country. There is one more quotation I should wish to make, taken from a report made to the Irish government, on public works for the employment of the poor, by Mr. Griffith, and which is the more valuable because it breaks out unsuspectingly, and, from the nature of the document in which it is to be found, is altogether exempt from the suspicions which might attach naturally enough to the evidence given before a committee, the direct object of whose inquiry was the condition of the labouring poor: Mr.

Griffith says, "The system I have pursued has been, to divide the different kinds of work into a great number of small lots, and to contract for each with the labourers of the adjoining lands. This method has enabled me to prevent oppression, and to do justice to all, and what is of great importance, to introduce improved tools and implements into the country, by intrusting them to the labourers in the first instance, and taking repayment for them by easy instalments. The result has been, that the same labourers working at the same prices, who at first were unable to earn more than four-pence per day, can now with ease earn from ten-pence to one shilling, and the consequence has been, that the disturbed districts of the Spring 1822 have remained perfectly quiet during the present winter, and the poor inhabitants express themselves as happy and contented." And in a letter addressed to the right hon. gentleman opposite (Mr. Goulburn), he says, "I beg to state to you, for the information of his excellency the lord lieutenant, that the district for four or five miles to the north and south of the new road from Newmarket to Charleville, has hitherto remained perfectly quiet, and I have every reason to believe will continue so during the winter. Notwithstanding the unusual wetness of the weather, the people have continued constantly at work, and considerable progress has been made in forming and fencing the road. In the northern districts between this place and the river Shannon, the inhabitants have also remained quiet, but I have not the same confidence in them, they are miserably poor and nearly naked." Sir, this gentleman states, that between Newmarket and the Shannon he had no confidence in the inhabitants, and he assigns as his motive of distrust, that they are miserably poor and nearly naked. With respect, however, to the district between Newmarket and Charleville, which he says has remained perfectly tranquil, it is necessary that I should make one more citation from the evidence (and it is the last I shall make) in order that the House may perceive what had been previously the state of this part of the country, and in what manner they ought to appreciate the value of the example I have adduced. Mr. Pierce Mahoney is asked, "Are you acquainted with the district of country between Charleville and Castle Island?"—"I know the district very well, and from Newmarket to Castle Island," (the same line of

country that has been alluded to) "there is not a single gentleman resident." "How many miles does that comprehend?" "Twenty." "In the late disturbances, was not that district the principal seat of the disturbance?" he replies, "Certainly, from that district they took their own opportunities, and came down, and destroyed the country. We look upon it that no greater benefit could be performed to that part of the country, than to cut military roads through it in all directions." Yet, in this spot, the resort of banditti, the haunt of bands of assassins, of men actuated by all that is vicious and depraved, employment does not fail in producing its customary effects, and directly occupation is afforded, tranquillity follows in its train. Let me then ask whether we can for a moment doubt the inference to be drawn from this mass of concurrent testimony, when we see a committee appointed by the House composed in great measure of Irish members, well versed in the history and condition of their country, when we see them calling witnesses whom they deem to be best informed upon the state of the people, best acquainted with its character and manners; when we see such witnesses, not merely expressing strongly their opinions (though with me such opinions alone could have been conclusive), but stating facts within their own knowledge and observation, each fact corroborating the opinions they had previously given; when they tell us that in districts where employment was regular, tranquillity was undisturbed, that in portions of the country, surrounded on all sides by insurrection, the inhabitants were orderly and quiet, because they had the means of labour; when they tell us, lastly, that where turbulence and rebellion had put on its worst shape, and raged with the greatest violence, even there employment calmed the irritated passions of the people, and subdued their insurrectionary spirit, can we hesitate a moment what conclusion to adopt? Sir, it is impossible to resist the inference, that insecurity and want of employment are intimately connected, that they act and react upon each other, that they are reciprocally cause and effect, that there is want of employment in Ireland because there is insecurity, and insecurity because there is want of employment.

If then, Sir, it is established that there is insecurity in Ireland, because there is no means of employment, and that there is not the means of regular employment

because there is insecurity, if no private individual will embark his capital while the country is in so disturbed a state, and incur the risk that must attach both to his person and his property, is it too much to ask, that the government should interfere, and interpose its relief? If it were not for the fear of too much fatiguing the House, I could state instances in evidence where individuals had been anxious to invest capital in the south of Ireland, but upon the breaking out of the disturbances altered their previous intentions. Under such circumstance, I would ask, is it not a duty of the government to step forward and take that risk upon themselves, which individuals are unwilling to incur, to endeavour, by advancing capital at a low rate of interest, to induce manufacturers to settle in the south of Ireland, and to afford its population the employment, without which it can never attain a state of uninterrupted tranquillity?

Probably the right hon. gentleman opposite to me (Mr. Goulburn) will say, that such a proposition is contrary to all received principles of political economy, will maintain there is no exception to them, and will endeavour to support his argument by a reference to the authority of Dr. Smith. If, however, he should lay down this position, that there is no exception to this general rule, that no circumstances will justify a government in departing from it, I should answer, that to me such a mode of reasoning seems very illogical. Political economy is not an exact science, in which we can invariably trace the same effect up to the same cause. It is essentially a moral science, formed upon generalities, which are themselves constructed from a minute induction of particulars, which we find upon investigation not to be determined altogether accidentally, but, in the majority of cases, to follow some fixed and definite law. Even to the maxim which is the foundation and corner-stone of the science, that every man is the best judge of what conduces to his interest, we may frequently discover exceptions, and I would put it to any man of the least knowledge and experience in the world, whether such instances have not sometimes occurred to him. If, then, the very principle on which the science rests, may sometimes be called into question, how illogical must it be to assert that the consequences that are deduced from it, must be certain, and invariably the same. It would be much the

same reasoning, as to say, that the superstructure in any edifice was solid and immoveable, while its base was undermined, and the fabric tottering to its fall. If, however, the hon. gentleman should still rest his case upon authority, to the name and authority of Dr. Smith, I would oppose those of Mr. Say, and Mr. Sismondi. The former of these gentlemen, Mr. Say, no slight authority with those who interest themselves in the science, in commenting upon this maxim of Dr. Smith's, dissents from it, as thus rigidly laid down, and maintains that it is liable to frequent modification. He goes so far as to hazard the assertion, that without such artificial encouragement, France probably would not have possessed her flourishing manufacture of cloth and silk. Mr. Sismondi, in his excellent work *Sur la Richesse Commerciale*, goes still further, and after remarking the obstinacy with which capital adheres to those branches of industry in which it was first embarked, and the prejudices which frequently exist against directing it into new channels, proposes that the government of France should annually set apart a large sum, 400,000*l.*, to be distributed amongst the different departments, for the purpose of being advanced as circumstances should dictate, to those manufacturers, whose enterprise, though ascertained to be profitably directed, was cramped and retarded from the want of the necessary fund to carry it into effect.

Sir, the committee on the employment of the poor, to which I have so often alluded, and of which the late respected member for Portarlington, Mr. Ricardo, was a most diligent attendant, have recommended in their report the encouragement to Ireland that I have now the honour to propose; they express themselves thus, "your committee are aware, that according to many of the received principles of political science, all artificial encouragements to industry and production are difficult to be defended, and they are likewise disposed to admit the danger of public interference in Ireland, as tending to make the people of that country look to government and to the legislature for relief, rather than to their own industry and their own exertions. But in the present state of part of that country, it may perhaps be questioned whether any increased application of capital is likely to take place, so as to give more active employment to the people, until peace and

tranquillity are fully restored. If, as has been suggested, tranquillity can best be secured by encouraging industry among the people, it may perhaps be necessary that the first step towards the attainment of this object, should be taken with the aid of the public, relying afterwards on the operation of natural causes. Your committee would, however, strictly adhere to the principle of aiding local effort only. But wherever works can be undertaken, which on the fullest investigation are considered to be of real utility, and of such magnitude as to exceed the ordinary local resources, and where such security can be offered, as to protect the public from eventual loss; your committee consider, that some assistance may wisely be given by the nation to stimulate private exertions." They then go on to say, "They cannot, however, conclude without again expressing their opinion, that the employment of the people of Ireland and the improvement of their moral condition, are essentially necessary to the peace and tranquillity of that island, as well as to the general interests of the United Kingdom."

Here, then, Sir, is not only the opinion of distinguished political economists, in opposition to the authority of Dr. Smith, which will probably be brought against me, but in addition to it, the report of a committee of this House, specially appointed to investigate the subject, and of which the late Mr. Ricardo, whose firm adherence on all occasions to general rules is well known, was an active and diligent member. Well aware of what that gentleman's opinions were, and of the almost inflexible and undeviating strictness with which he followed out the general principles of the science, I confess I was not a little surprised to hear from my hon. friend, the member for Limerick, that to every sentiment in that report he gave his full and entire acquiescence.

But it may perhaps be said, that admitting all that I have advanced, granting that Ireland is an exception to all general rules, there is no branch of industry in that country in which capital can be profitably embarked, and I may be called upon to point out the particular department of trade that is susceptible of artificial encouragement. If, Sir, such an appeal is made to me, amongst the many that might be cited, I would more peculiarly mention two, the Fisheries and the cultivation of Flax, which appear to me

to present the widest field for exertion, and the most favourable opportunities for carrying into successful execution. Situated as the Southern and South-western districts of Ireland are, in the vicinity of almost inexhaustible banks of fish, admirably adapted for curing, and able from her locality to avail herself of the extensive markets to be found in the Mediterranean, and capable of supplying the wants of every catholic country, where the consumption of fish must necessarily be large, yet such is her ignorance, such her want of capital, such her penury, that she has not hitherto profited by the advantages which she so pre-eminently possesses. Nothing can exceed the ignorance of the fishermen, and an interesting instance of it is given by the member for Kerry, who states that he had opportunities of knowing that the fisheries had received improvement from the accidental circumstance of some men from Devonshire and Cornwall being employed as water-guards upon the coast, who found the natives utterly unacquainted with the method of tying the hooks and handling the lines, and with fishing in all its branches. Thus much for the ignorance, and the incapacity of the people, in the state they are at present, of prosecuting this species of industry. For the purpose, however, of illustrating their abject penury, their total want of means in equipping their boats, I shall mention one instance, taken from the report of the London Committee. It there appears, that in the county of Galway, by an advance of 827*l.* in small sums, no less than two hundred and seventy-six boats, of poor fishermen, were repaired and fitted for the fishery, giving an average of expenditure of 3*l.* for each boat; and that in the county of Mayo, through the adoption of the same means, two hundred and seventy-nine boats were sent to sea, at an expense of 771*l.* at an average of 2*l.* 15*s.* per boat. But what is infinitely more satisfactory to know, is, that the benefit that was conferred, was not given in the shape of gratuitous relief, and that at the time the letter was written, conveying the information contained in the report, of the money that had been advanced upon condition of repayment, all the instalments which had become due had been repaid with fidelity and honour.

The second case I mentioned of a branch of industry, not now existing in the south to any degree, but which might

be called into action, is that of the cultivation of flax, for which, perhaps, Ireland is better adapted than any other country. Mr. Oldham, an eminent linen merchant, has given in evidence, that three times the quantity actually grown ought to be produced in Ireland, and that she might find an ample demand for the additional quantity, both in the home market and in that of Great Britain. In order to ascertain this point correctly, I have procured returns from Holland and Flanders, of the expense attending the cultivation of flax in both these countries, and I have endeavoured to adopt a similar course with regard to Riga, but owing to peculiar circumstances, the difficulty of estimating the value of slave labour, I have found it impracticable to obtain the information. I have compared the returns I have been able to procure with others from different counties in the south and west of Ireland, and have uniformly found, that the comparison of them shewed a considerable balance in favour of that country. I think, however, it may be made out by inference, that she raises flax more cheaply than any other country, from this simple fact, that although the linen manufactory is carried on extensively, and there is a duty, so small, as almost to allow it to be taken to be an on-existent quality, on the importation of the foreign material, the manufacture is nevertheless exclusively supplied with home-grown flax. From this circumstance we may fairly enough infer that the home-grown commodity is cheaper than the foreign; for what is there, I would ask, that should induce the manufacturer to purchase a dear material at home when he can supply himself upon cheaper terms from abroad, and no impediment is presented by the legislature, to the free importation of the commodity he requires. This inference, however, strong as it is in itself, becomes conclusive when another fact is taken into consideration. Ireland has hitherto produced flax at what may be termed a great loss. She has always thrown away the seed, which the Flemish farmer has been in the habit of considering as essential to procure him a profitable crop, and it is only lately, that accidental circumstances have led to the discontinuance of so injurious a practice. If, therefore, formerly she was enabled to compete upon equal terms with the foreign grower, while rejecting so valuable a portion of the produce, it is but fair to conclude, that upon a change of system, and the in-

roduction of a better method of culture, Ireland not only could meet the foreigner advantageously, but could secure to herself the entire monopoly of the markets of Great Britain. But, I may be asked how it is that with all these advantages Ireland has not possessed herself of this profitable trade. Ireland is deficient in the necessary skill, and she is weighed down by an abject poverty, that prevents her taking advantage of the capabilities she possesses, and which cramps all her exertions. I have myself seen specimens of flax grown in Ireland, infinitely superior to those produced abroad, but which, from the process they have been subjected to have borne a price far below those which were inferior to them in quality, but which had undergone a better method of preparation. It is not by capital alone, it is by capital combined with skill, that we must hope to ameliorate her situation; and it is only by holding out to them advantages, that we can induce persons of competent skill to go over and rouse those energies, which at present lie dormant, but which require only common intelligence and exertion to be awakened, to spring into life and vigour.

I shall now, Sir, attempt to give a short outline of the details of the method in which I think capital might be advantageously advanced, and in doing so I feel myself under considerable difficulty, both from the importance of this portion of the subject, and from the conviction I am under, that it must be highly tedious and wearisome. What I should propose is this, that a sum not exceeding one million should be placed at the disposal of commissioners, to be distributed and lent out at their discretion, either at a very low rate of interest, or perhaps at none, to individuals who would engage to employ it, the parties giving proper security for its repayment. The reason why I should propose, that it should be given to individuals rather than that it should be employed in the construction of public works is, that in the one case the employment is permanent, the capital being reproductively expended, while in the other instance the moment the public work is completed, the employment is totally withdrawn. In the case of public works, distress is only suspended, not averted altogether, and it is on this ground that, in my opinion, they are objectionable in Ireland, where a permanent employment of the population is required, a

measure which only can be realized by the encouragement of individual enterprise and speculation. There is, however, a considerable difficulty that presents itself, in the necessity of framing a competent system of checks, to obviate misapplication and to secure to the portion of Ireland we are anxious to benefit, the full advantages to be derived from the investment of the capital advanced. Amongst the various species of misapplication to which such an advance might be liable, the following is one that may be reasonably apprehended. The landed gentlemen of Ireland, embarrassed as they are, might be tempted to receive the capital given by the government at a low rate of interest, and to discharge the incumbrances under which they at present labour, thus becoming gainers by the amount of interest they would pay less than they did before, an inconvenience that could only be remedied by the intervention of a complicated system of checks. Not that I object to the plan of paying off mortgages, considered by itself, I should deem it a very great benefit; in the present case, however, it is so mixed up and combined with other circumstances, that the evil of such a measure would infinitely more than counterbalance the good that would result from it. Not to mention the inconvenience that would arise from the connection thus established between the landed gentry and the government, and the political power and influence that would be thus called into action; there is this serious objection, that in pursuing such a plan the state would not receive from its advance near the degree of benefit which it was entitled to obtain. For instance, if the sum advanced was a million at two per cent, when mortgages generally were at six, it is evident that if the landed gentry were to take the money there would be only 40,000*l.*, the difference between the present and former interest they paid, to be expended in the employment of the population. In the manner I propose it should be given, that, in which it is placed at the disposal of illustrious individuals, not merely 40,000*l.*, but the whole million is devoted to the affording occupation to the people. With a view therefore of checking this and other misapplications, I should recommend some such sort of check as the following. First that the individual who had availed himself of the advance, should make a return to the commissioners of the amount of capital he had actually in-

vested, and the manner and place in which it was employed; next that this return should be checked by an inspector, who, in order to prevent collusion, it might perhaps be provided should not be allowed to visit the same district in two following years. We might still further secure ourselves against misapplication by a certificate of the grand jury of the county, or of magistrates at quarter-sessions, vouching for the fact that appearances corresponded with the declaration. In the case of fraud being made out against the party receiving the advance, a penalty might be enforced upon him equivalent to the suppression of the offence.

Sir, I throw this out merely as conveying an idea of the manner in which this object could be accomplished, as it would be my intention to leave this point entirely to the commissioners, who from their local knowledge from proper inquiries upon the subject would be infinitely more capable to establish adequate checks than myself. I should hope, therefore, that in the event of the right honourable gentlemen opposite falling into the measure I have the honour to propose, that the arrangement of this delicate topic would be abandoned to the discretion of the commissioners appointed, who alone are competent to undertake it.

Before I sit down, there is one point I should wish to mention, and which I omitted in its proper place, from which I think the greatest benefit would be derived in Ireland; I mean the system of charitable loans, and if the present proposition should receive the approbation of his majesty's ministers, I should hope that a considerable portion of the grant would be devoted to the encouragement of such institutions. Wherever such establishments have been formed, a disposition for order and punctuality has been generated, the poor themselves receive the loan as a benefit; and as the character of the applicant is always taken into consideration, previous to the granting of the loan, it has acted as a powerful stimulus to good conduct. I would here wish to read a letter from a gentleman who has had experience of these institutions, though I will not trouble the House at any length. It is to this effect. "On the whole I am satisfied with the advantages resulting from the loan system, even on this limited scale; wherever it has been successfully established, there will be found a manifest improvement in the manners and condition of the poor. I have

known, that individuals who began by borrowing forty or fifty shillings, have at the end of a few months become the depositors of a few shillings in a savings bank. I remember at Ennis, that a respectable looking shop for the sale of boots and shoes was pointed out to me, whose proprietor derived his first stock of materials from the loan fund, and that in Limerick several thriving tradesmen were mentioned to me, whose means were originally drawn from a similar source." Sir, I received a letter from the south of Ireland but the other day, which states that associations for the purpose I am now alluding to, are forming upon a great scale in that district, but that their means are totally inadequate to the end that is proposed; the writer of it, after commenting upon the expediency of giving them assistance, goes on to offer his opinion, that if a moderate degree of skill were imparted to the poor, and they were furnished with implements, a comparatively small sum would be sufficient to afford them employment. The good that is effected through the means of these charitable loans is almost incalculable. In the two instances I have already mentioned, with respect to the fisheries, the money given was advanced upon this system of loans, the whole of which was to be repaid. And it was but the other day, that it was stated to me by a Catholic clergyman in the county of Clare, that having received a small sum of money from the London Committee, he applied it in the way of loan to the fishermen, and that by means of this assistance a number of boats were fitted out and sent to sea, which were previously unserviceable, and laid rotting upon the beach, their owners, through poverty, being unable to equip them.

I have now, Sir, brought to a conclusion the subject which I have thought it my duty to submit to the consideration of the House. I have endeavoured to point out the evils under which Ireland labours at the present time, and the manner in which, as I conceive, a remedy might be applied to them. I cannot but entertain the most sanguine hopes, that if a system such as I have recommended were adopted it would be crowned with complete success. I am induced to hope that if capital were once embarked, and manufactures established in the south of Ireland, the example would be speedily followed by other capitalists, who would be anxious to participate in the advantages, when they

were fully satisfied that their persons and their properties would be unendangered. I am induced to hope that in every instance in which capital was invested, other capital would be attracted to it as a centre, and would continue to flow into Ireland with a steady and a rapid current. I know there is an idea very much entertained by many persons, that the Irish peasantry are incapable of improvement; and if I had not already too long trespassed upon the attention of the House, I should have been inclined to give instances to prove the fallacy of the opinion. I have had instances mentioned to me in which indulgent and humane landlords have not only found them susceptible of improvement, but have witnessed, with exultation, that the feeling once awakened in their breast has been carried far beyond the impulse that first gave it birth. Sir, the case of Scotland is conclusive upon this point, and I refer, gentlemen to a most eloquent speech of the late Mr. Whitbread, in which he quotes a passage from Fletcher, complaining that Scotland was over-run by individuals wholly subsisting upon charity. He says, that in addition to those who were supported at the church doors, there were upwards of two hundred thousand persons begging about the country, maintained by alms, ripe for every crime, a prey to every disease; and he goes so far as to say, that it would be a great national benefit, if they were sold as slaves to the Plantations. I would ask, what is the state of Scotland now? whether a population equally moral, equally intelligent, equally enlightened, is to be found upon the surface of the globe? I may be told that this change is owing to education, and that it is so in some measure I am not hardly enough to deny, but skill and enterprise, and capital and industry, have also had their share, and have contributed to raise her population to that high point of intelligence and comfort which at present it has attained. And that I am not far wrong in this, I would intreat gentlemen to turn their view upon a portion of that country whose condition we are now discussing, to the north of Ireland, and they will there find the same causes in operation to which I have attributed so beneficial an effect in Scotland. Sir, in the north of Ireland the linen manufacture exists, rendering its population happy, contented, and tranquil, and I cannot better illustrate the effects that have resulted from this manufacture, than in the words of the

committee that was appointed to examine into it in 1822, which in recommending that it should be extended to the south of Ireland, assigns this as the motive of its recommendation; "for wherever it has obtained a footing, industry, moral habits, contentment, and tranquillity have followed." Sir, I have no doubt of it, I am confident that whenever this or any other manufacture shall be established in the south, the same results will be produced, and it is with that view that I shall move, "That this House do resolve itself into a committee of the whole House, for the purpose of considering the propriety of presenting an address to his majesty that he will be graciously pleased to grant an advance of capital, not exceeding the sum of one million, to Ireland, to be employed in the provinces of Munster and Connaught, and to appoint commissioners for the purpose of carrying this object into effect."

The *Chancellor of the Exchequer* commenced by complimenting the hon. and gallant member upon the temper and benevolent feeling with which he had introduced his motion. No man who knew any thing of the state of Ireland could conceal from himself the lamentable fact, that notwithstanding her soil, her climate, and the other favourable circumstances in which she was placed, she was far removed from that state of content and happiness to which she was entitled. It was impossible for any English member to listen to a statement which had in view the benefit of Ireland, without the utmost anxiety to promote that object. If, therefore, he rightly understood the proposition of the hon. gentleman, he could not without regret express an opinion, that it would not be advisable to adopt the course recommended—at least not in the mode now submitted. It was perfectly true, that parliament, on many occasions, had called upon the public to advance money for the relief of local distress, arising from peculiar circumstances. Within a very short period that principle had been acted upon, to a considerable extent, in Ireland. Two sums had been voted by the House, one of which was vested in the discretion of the lord-lieutenant, for the relief of distress, without any intention of ultimate repayment; the other had been advanced with the view that, at a specified period, it should be restored to the public. As to the first species of grant, the House would feel, that however desirable it might be under peculiar pressure, to make this

sort of charitable donation, it could not be justified but by a case of over-ruling necessity, which set all principle at defiance. He did not collect from the hon. member, that he had at present any such object in view, but rather that whatever sum might be advanced, should, at some period or other, be returned. Though he (the chancellor of the Exchequer) had frequently been a party to propositions of this kind, he had always felt considerable doubts of their policy. He fairly owned that he entertained peculiar doubts of their policy, as applied to Ireland. He was almost afraid of stating his notions on this subject, lest those who represented Ireland should think that they proceeded from a degree of indifference towards that country, which most assuredly he did not feel. They, in truth, originated in a feeling perfectly opposite—in the utmost anxiety, that if Ireland were to be really benefitted, she should be benefitted permanently; and that no delusive appearance of present prosperity should be succeeded by grievous and inevitable disappointment. If the House were too lavish of grants of this kind, he was very much afraid that, instead of inducing Irish gentlemen to trust to their own resources and exertions, and to the energies of their country, they would be led to lean for support upon government, and rely upon temporary loans for the purpose of keeping their heads above water. Such would be a most fatal error, and would strike at the root of prosperity. Such a system of advances must end at some period or other; and then, those who had trusted to an unstable reed, would find themselves less capable of making exertions for their own good, in exact proportion as they had been taught to trust to the assistance of parliament. As to the practicability of the plan also, it appeared to him of a very questionable nature. He did not precisely understand in what way the hon. gentleman intended to apply any portion of the money to the fisheries. Independent of the general principle, the hon. gentleman had stated two objects which he had in view; first, the promotion of the fisheries; secondly, loans to the proprietors of the soil to enable them to cultivate flax. As to the first, the hon. gentleman had mentioned one or two cases in which great benefit had been derived from special advances; and he (the chancellor of the Exchequer) would not go so far as to say, that, in particular situations, it might not

be advisable, as it were to set up the fisheries. On one point it was already in the power of the lord-lieutenant, by a particular act, to afford assistance to the fisheries; viz, by the appropriation of 5 or 6,000*l.* every year for the purpose of building small piers, and making small harbours, for the protection of fishing-vessels. This aid he should be sorry to see withheld. It was a legitimate object of public expenditure, as no private individual could be expected so to devote his capital; but unless in some such mode, he could not understand in what way the hon. gentleman proposed, by new loans, to benefit the fisheries. With regard to encouraging the growth of flax by advances to land-owners, it was to be observed, that the hon. gentleman had himself stated, that such advances would be attended with many and great difficulties, with regard especially to security and the uncertainty of re-payment. He (the chancellor of the Exchequer) confessed that the project appeared to him impracticable. The want of capital in Ireland arose from the want of security. Were it otherwise, there seemed to be no reason why it should not flow into Ireland as freely as it had done into Scotland. In those parts of Ireland to which the hon. gentleman had alluded, the soil was cultivated more or less, and applied to the growth of corn. The growth of corn required as much capital as the growth of flax; and if flax were not cultivated, it must arise from the fact, that it could not be so profitably grown as other sorts of agricultural produce. Ireland at present grew all the flax she used, but did not in point of fact supply the English and Scotch markets, the whole of which was imported. He was not aware that it was necessary to argue this matter further. Every body must feel that it was very little desirable that parliament should interfere at all by lending money. Such a course must have a most injurious tendency, if adopted at all on a general principle. Another view of the subject was very embarrassing. If money were lent to the owners of the soil, a great temptation would be afforded to them to pay off their mortgages and other encumbrances; and thus a hostile collision would be produced between the government and the parties who were desirous of assistance. This subject had been before discussed with reference to loans by government on mortgage, and it certainly had not been favourably received, and he

had always thought it liable to most serious objections. In stating the grounds on which he resisted this motion, he was anxious not to appear to press them with any undue degree of earnestness or warmth, because he felt a strong indisposition to oppose a laudable and important object. He hoped that those more directly interested in the prosperity of Ireland would not impute his objections to any motive but a sincere desire to promote the permanent welfare of that island. Parliament had always willingly lent itself to every suggestion for the improvement of Ireland, by the removal of taxes and the abolition of restrictions upon commerce. Such a course could not possibly do harm, and all practical experience shewed, that great good must inevitably follow from such a proceeding. Permanent advantage would thus be promoted, instead of adopting a system attended with temporary improvement, but ultimate disappointment. According to the suggestion of the hon. gentleman, the House would only end where it began; though it might proceed on this objectionable course, until it was absolutely driven to abandon it. As he was anxious that the House should not involve itself in an undertaking of so much difficulty, and pregnant with so many disadvantages, he should conclude with moving the previous question.

Captain *Maberly* complained, that the right hon. gentleman had completely misunderstood him. He meant that money should be advanced to any manufacturer or other person engaged in trade, who could give the necessary security. He also wished the fisheries to be aided, precisely in the same way that sums were applied in England and Scotland, in the years 1817 and 1822.

Lord *Althorp* agreed, that the want of capital in Ireland was one of the principal causes, though not perhaps the sole cause, of the present condition of Ireland. Every measure, therefore, which encouraged the influx of money, ought to be readily adopted. The general rule certainly was, that capital should not be forced out of the channel in which it would naturally flow; but, in this instance, it was to be remembered that capital had been unnaturally forced out of Ireland, and that some measures ought to be adopted to restore it. It was singular to see that while capital went to Mexico and Peru, and to every quarter of the world, it tur-

ned as it were from Ireland, although that country afforded such ample means for its employment. He should therefore wish to see an alteration in the system, and encouragement held out for the investment of capital, where its application might be productive of so many advantages. There was, in his opinion, no weight in the objection of his right hon. friend, the chancellor of the Exchequer—that if capital was advanced to the people of Ireland in the way proposed, it would induce them to depend rather on government than on their own resources. The fact was, they had no resources on which they could depend, unless they were aided by government in some such way as was now suggested. Ireland he looked upon to be in the condition of a farm which was very rich, but out of condition. To render such a farm productive, the application of capital was necessary; and the skilful farmer would not consider the present expense of bringing it into condition as money lost, confident that ultimately the result must be highly profitable. In the same way should Ireland be treated at the present moment. All taxes on consumption should be removed, and every method adopted to render living as cheap there as in any other part of the world. In a country where labour was so cheap, living might, with a very little present sacrifice on the part of England, be made cheaper in Ireland than in any other part of the British dominions. If that were effected, people who now resorted to foreign countries for cheap living, would spend their money in a country where the necessities and many of the luxuries of life might be procured at so cheap a rate. There might at first be some difficulty in obtaining supplies; but those difficulties would soon be overcome. It certainly appeared extraordinary that greater advantage was not taken of the fisheries in Ireland; and although the duties applicable to them were returnable in drawbacks, the poor could not always take advantage of the privilege. With regard to loans to landed proprietors and others, it might, in some cases, be impracticable to obtain the necessary securities; but, wherever they could be given, the advances, he thought, ought to be made. He would not trouble the House further on the question than to say, that he cordially approved the principle of the motion, and that he had not heard, in the speech of the right hon. gentleman, any

thing to induce him to alter that opinion.

Mr. John Smith said, he had never heard the right hon. the chancellor of the Exchequer so weak in his arguments, or so little eloquent in his mode of urging them, as on the present occasion. This he attributed to the difficulties in which the right hon. gentleman must have found himself placed in his opposition to the proposed measure. He was willing to give the right hon. gentleman credit for the goodness of his intentions and the liberality of his views towards Ireland, but, on the present occasion, he thought that his views were quite mistaken. The main objection which he had urged to the proposition of his hon. friend was, that it would encourage the people of Ireland to look up to government, and not to trust to their own resources. But let the House see what had been the effect of similar advances in this country. He was himself, at the present moment, a commissioner under an act of parliament for granting advances of money for the building of bridges, the making of roads, and other public works. The money was lent on good security, and sums to a considerable amount had been so granted. He had, on a former occasion, been a commissioner under a similar act of parliament; but he would ask, had it ever been heard that such advances had produced in the people of this country a disposition to depend on government rather than on their own resources? Why not, then, advance money to Ireland in a similar manner? Ireland deserved much from this country; and she had received but little. It was true we had materially assisted her in a time of scarcity, for which she was truly grateful; but we were bound to do more. If public money had been advanced with good effect in England to carry on several works, why might not the same result be expected from similar advances in Ireland? He had seen the good effect of such advances in many parts of this country. He knew many individuals who were gentlemen of fortune now, who were not gentlemen of fortune before such advances were made. He could not see, therefore, any weight in the objection of the right hon. gentleman to the present proposition. He had had an opportunity of knowing the good effects which had been produced by the loans advanced by the London Association for the advance of money by way of loan for the encouragement of agricul-

ture in Ireland. Small sums had been advanced to many individuals also for the purchase of implements of industry. Or what was the same thing, those implements had been supplied to them to be paid for by instalments, which instalments he could state had been regularly paid; so far from making the people look up to government as their only resource, such advances induced them to depend rather on the efforts of their own industry, when they found how beneficial it had been made to them. Allusion had been made by his hon. friend to a Roman Catholic clergyman in Ireland. He (Mr. S.) could state—and it was a further proof of the benefits which might be expected from the advance of small sums for the encouragement of industry—that he had, in the course of last year, received a letter from Mr. Duggan, a Roman Catholic clergyman, in the county of Clare, in which it was stated, that there were then 124 fishing boats, belonging to persons in his parish, which were rendered wholly useless by the inability of the parties to fit them out. The reverend gentleman—than whom a better man did not exist, if he might judge from his indefatigable exertions for the relief of his poor parishioners—stated this fact, and added, that in consequence of the want of funds, these boats had not been used from May to the month of October. Though he had not asked for money, 100*l.* were sent to him; and, by a judicious application of 82*l.* of it, he had enabled the owners of those boats to fit them out, and thereby provide a subsistence for 340 persons who had been depending on them for support. Was not this, he would ask, a proof of the efficacy of those advances? He had read many thousand letters, and obtained much personal information from Ireland; and, if he knew that if he was within half an hour of his death, he should still assert, that unless the whole policy of this country towards Ireland were changed, events were in prospect, which might drag down this great and powerful country from the lofty station she had so long filled. By a different system, Ireland, at present a source of weakness, might be converted into a source of strength and power.

Mr. Goulburn observed, that the hon. member for Midhurst had remarked, that his right hon. friend, the chancellor of the Exchequer, had not been as eloquent on this occasion as on others; and he had attributed it to the mode of argument he had

adopted. Now, his right hon. friend had expressly stated his readiness to concur in any measure which might be favourable to the interests of Ireland; but he did not think that the present was one of that description. For his own part, it would give him the greatest satisfaction to be able to state on his return to that country, that he had procured from parliament, or assisted in procuring, a grant of a million of money, to be applied for the encouragement of Irish industry; and he would most cordially concur in the proposition if he thought it was likely to be attended with such beneficial results as had been stated. It was but justice to the present lord-lieutenant of Ireland to state, that he was disposed to carry such a measure into effect, and that he had tried it, as far as it was practicable; but he had been obliged to discontinue it, when it was ascertained that it was not attended with the results which had been anticipated. The hon. member had stated, that acts had passed for granting sums of money, by way of loan, for carrying on particular works in England; but, if the hon. member had read those acts of parliament, he would have found, that, at the time that a million had been granted for such purposes in this country, 500,000*l.* had been advanced for a similar purpose in Ireland. This was not intended as a permanent system of government, but as a temporary expedient to meet particular emergencies. Indeed, for a certain period, scarcely a session had passed, in which particular sums had not been so applied. It had also been enacted, as an encouragement for the application of capital to works in Ireland, that any person who should embark his capital in public works in that country, should be allowed the interest on that capital for a certain number of years. It might now be worth while to inquire, what had been the result of those advances. One grant had been applied as advances for the encouragement of trade and manufactures. After some time, a commission was appointed to inquire into the effect of those advances. The commission consisted of men above all suspicion—men of the highest character for integrity and impartiality—men of different religions; but of no political bias: by these it was represented to government, that they considered, under all the circumstances, the advances or loans to be working rather an injury than a benefit to the country; that those to whom

the loans had been advanced, and who were most anxious in seeking for them, were men, who, for the most part, without any capital of their own, were anxious to compete with those who worked their own capital; and that the low rate of interest at which the loans were obtained enabled them to do this the more easily. Under these circumstances, the lord-lieutenant determined to withdraw such advances, and to confine them in future to public works only. He feared that a similar fate would attend the loans which might be advanced under the motion of the hon. member, should the House agree to it. He would not go to the details of the hon. member's motion, for it was rather to the principle that he objected; but one objection would be, that government must resort to means of severity to recover those loans, if any difficulty occurred. It would have the preference of all other creditors, and recover by the process of extents. This would cause the other creditors to withdraw the money due to them, by every possible means; and the consequence must be, that government must either forego the debts which might be due to them, or by proceeding for them, produce a greater inconvenience. It was true that a part of the money already granted by parliament was still in the hands of the Irish government; and any addition to it at present would be only holding out hopes which it might not be possible to realize. Without going into the other points of the hon. member's speech, he would state that the ground on which he concurred with his right hon. friend in opposing the motion, was the inexpediency of advancing funds to the people, which could not be permanently kept up, and which, as he had observed, would give rise to hopes which could not be realized. There was one other topic to which he would allude. From the condition of Ireland, from the very nature of the food on which the population was supported, it was impossible that emergencies should not arise, when parliament would be called on to afford assistance to Ireland, to preserve the people from the effects of famine. It was peculiarly incumbent on those on whom the duty might be imposed of thus calling for the liberal assistance of parliament, to prevent the disposition from growing up, of considering a recourse to it allowable in ordinary cases.

Mr. Spring Rice said, there were several

motives which should induce the members for Ireland to leave the discussion in the hands of the members for England, but there were some particular considerations which inclined him to trouble the House. The chief of these was, that he had had the honour of moving for the appointment of the committee, on the report of which his hon. friend had founded his motion. In that report the principle was laid down, that cases might arise, in which it would be beneficial for the government to step forward, and advance sums for the employment of the people of Ireland. That principle was brought to an issue by the speech of the right hon. secretary. What was it that the secretary of the Irish government now told them? That they had to look forward as a matter of course to the occurrence of famine in Ireland; and that therefore they should not interfere when a necessity less than famine existed. The Irish government expected starvation for the people, and when starvation came, the people might expect relief. Nothing, he thought, could be more mischievous than this avowal. What was the plan proposed by his hon. friend, as contrasted with that of the right hon. secretary? The right hon. secretary said, "wait till the people are starving, and then we'll relieve them." His hon. friend said, "let us take measures to prevent starvation from coming amongst them." His hon. friend asserted, that there were the means of employing the people, and that by removing the obstacles to the development of their powers, they might prevent the need of eleemosynary relief. In the speech of the right hon. gentleman there was this inconsistency. He deprecated the granting of eleemosynary relief—he could not do so more strongly than he (Mr. S. R.) did. But the right hon. secretary in conclusion, held out the anticipation, not only of the evil of granting eleemosynary relief, but of having it accompanied by the more terrible evil of famine. It was well for them, surely, to inquire whether this terrible calamity could not be averted. The House should not suppose that they had to contend with a disposition on the part of the Irish people to receive eleemosynary relief. The funds put at the disposal of the lord lieutenant by parliament, in order to afford relief to the poor, had been returned unemployed. His hon. friend, too (Mr. J. Smith), who was connected with Ireland by the

strongest ties, and to whom he hoped Ireland would one day have an opportunity of showing the gratitude she felt, could tell them, that when the committee for the relief of the poor had considerable sums in the hands of their correspondents in Ireland, the money was returned to them with this declaration—"We do not want eleemosynary relief; the funds were put at our disposal to keep the peasantry from starving, and we now wish to return it to you" [hear!]. The right hon. secretary had contended, that parliament had uniformly acted upon the principle, that extraordinary efforts in the way of pecuniary grants were only to be made to meet extraordinary emergencies of want. How could the right hon. secretary maintain this position in the face of the commission which still existed for the encouragement of public works in Ireland? That commission still existed; the money was in its hands; the system was in force. There were two examples which he begged to lay before the House, of the practical utility of those advances of money, of which it was the object of the motion to extend the benefits more widely. The first was effected by a gentleman, well known to many members of that House, Mr. Strickland. This gentleman found that a great obstacle to the cultivation of flax by the peasantry was the difficulty of procuring seed. He therefore expended 1,000*l.* in flax seed, which he advanced to the peasantry, not as a gift, but by way of loan, to be repaid when they gathered in their harvest. In this manner the peasantry were enabled to get for 5*s.* a quantity of seed equal to what they would have otherwise procured for 15*s.* The effect was, that when the whole expenses were paid of seed, rent, tithe, &c. there was a return of profit earned by the industry of this people of 21,000*l.* from this advance of 1000*l.* And it was not the least gratifying circumstance in the narrative, that Mr. Strickland had been repaid the whole of the 1000*l.* with the exception of 40*l.* which had only to be called for to be obtained. How many other gentlemen were there with the same disposition as Mr. Strickland, and who had not the means of making the same advance? There was another case which, in a few days, would be on the table of the House, in a regular way, but he should take the liberty of anticipating it. The first case he had mentioned shewed the advantage of encouraging the

cultivation of flax; the second would shew the benefit derived from the promotion of public works. He would read a part of the report from one of the engineers employed by government, Mr. Nimmo. The road that was referred to was in the wildest part of the South-West district of Ireland. Mr. Nimmo spoke in the following terms: "I cannot conclude this report without alluding to the rapid improvement which is taking place in this district since the construction of this road. A few years ago there was hardly a plough, car, or carriage of any kind; butter, the only produce, was carried to Cork on horseback; there was not a decent public-house and I think only one house slated in the village; the rest a few scattered cabins; the nearest post-office thirty miles distant. Since the new road was made, there are (in three years) built upwards of twenty respectable two-story houses, slated and plastered, with good sashed windows; more than an equal number of lots for building are taken; a respectable shop, with cloth, hardware, and groceries; a comfortable inn, a post-office, chapel, a quay, covered with limestone brought as a return freight: a salt work; two stores preparing for purchasing oats, and a considerable traffic in linen and yarn; forty cars and carts. I have no doubt of the continuance of the prosperity of this place and of the consequent improvement of the whole barony." When they saw so small an expenditure of capital as that necessary for the opening of a road had produced such an effect, he thought they could not have a more powerful argument in favour of the motion before them. Before he sat down he begged to observe, that in the committee last year, he had pledged himself at some future time to bring the subject of the employment of the poor in Ireland before the House, by moving for the revival of the committee. It had been his intention to have done so this session, and if he had abstained from it, it was only on account of the notice of the present motion given by his hon. friend, convinced as he was that the subject could not be in better hands.

Mr. Goulburn denied that he had ever stated that the government should not interfere, except when the people were threatened with starvation. He had said that, considering that public works were at present going on in Ireland at the expense of the public, and which it was necessary

to have completed, he thought it was not necessary to call on parliament to make additional grants without any special object.

Mr. *S. Rice* expressed his regret, if he had in any way misrepresented the right hon. secretary. He acknowledged that the right hon. secretary had shown meritorious zeal in the promotion of the employment of the poor; but he had conceived that his speech went not only to object to the motion of his hon. friend, but to impugn the principle of the right hon. secretary's own praise-worthy exertions.

Mr. Secretary *Canning* said, that as he had been accidentally absent from the House during the conclusion of the speech of his right hon. friend, and the commencement of the speech of the hon. gentleman (the member for Limerick), he was not able, of his own knowledge, to state whether his right hon. friend had made the assertion imputed to him; but from all he knew of his right hon. friend's opinions, he was astonished at the description, by the hon. gentleman, of what had fallen from him, and he had been gratified at hearing it explained in the manner in which he had taken for granted it had been uttered. The hon. gentleman had argued the question, as if the issue were, whether on any occasion, except under the pressure of absolute want, any pecuniary assistance should be afforded by parliament to the people of Ireland. But this was not the question. The question was, whether, on this occasion, the assistance should be afforded, and in the particular manner proposed by the hon. mover. Favourably as every proposition professing to have the relief of Ireland for its object was received, the proposition which had been submitted to them by the hon. gentleman was, both by the temper and the manner of his address—both by its conception and its execution—calculated to meet with more than ordinary favour. He was sure, however, that the same temper and good sense which the hon. gentleman had shewn, and which in a long career in parliament, would render, he hoped, his services most valuable to his country, would induce him to admit, that it was very possible to differ as to the application of a principle without dissenting from the principle itself. The hon. gentleman had stated most fairly, that unless he could shew that a peculiar crisis existed, and that the pecuniary assistance was calculated to afford the

peculiar relief, his proposition fell to the ground. Now he (Mr. C.) should contend not only that the pecuniary grant proposed was not calculated to afford relief, but that it must be productive of inconveniences outweighing any possible advantages—a conclusion not at all shaken by any thing which the hon. member for Limerick had adduced. What had the hon. gentleman stated? He had adduced two instances, in which the advance of money (one of them, by the way, not public money) had been productive of the most beneficial results. In one case, a road had been opened in a barren district; and no one could withstand the facts which were adduced to show that this advance of capital was beneficial. But, was it to be argued that because this road had been useful, it would therefore be expedient in all barren districts, and under all circumstances, to expend money in the formation of roads? Why it was notorious that, in many districts, the money would be thrown away. Another instance went to prove that whereas the cultivation of flax might be carried on to considerable advantage by the peasantry, an advance of 1000*l.* had been made, by a landlord, be it recollected, which had fructified to such a degree that it had produced 20,000*l.* in the hands of the tenants. There certainly could not be a clearer proof of the advantage of the advance of capital in an individual case; of a more gratifying and mutually beneficial result of a helping hand extended by a landlord to his tenants. But, what was the general argument deduced from this particular instance? That whereas a landlord had been able, beneficially, to advance money to his tenants, ergo, a loan should be made to the landed gentlemen throughout Ireland. It appeared to him clear that though it might be proper for the government to come forward occasionally for the relief of distress, and to contribute to public works, it was not expedient for it to come forward as a lender merely, still less as a lender to the landed interest. The object, it was to be remembered, was not to make loans to the Mr. Stricklands, who were already in circumstances which enabled them to make advances to their tenants, but to those, who, though not now able to lend might be very willing to borrow. Now, he had a decided opinion that such a scheme was most mischievous, and his opinion was the stronger, because he had been a convert to it; for, accord-

ing to the old adage, all converts were the most zealous in their belief. It had been his fortune, two or three years ago, to look at this subject, with a view to its application to England, and he had then thought that considerable means of relief would be afforded to the landed proprietors by issuing a sum to enable them to pay off their mortgages and other incumbrances. He had set out with the most sanguine expectations of benefit from the plan, and after the most patient examination, he had come most unwillingly to the conviction, that the scheme was impracticable, or, if practicable, that it would be mischievous in the highest degree. Let them consider the relation in which, under the plan proposed, the government would stand to the landed interest. The creditor would technically be the Crown. Had the Crown, he asked, the same prerogatives in Ireland as it had in England for the recovery of its debts; and, if it had, could there be anything more inconvenient than the relation in which the landlords would stand to the Crown? Who were the persons who would become bound to the Crown? Not the Mr. Stricklands, but the less opulent, or less provident, landlords, who, without means of their own, would be willing to become bound for the sums to be advanced to their tenants. They must become debtors to the Crown; for, unfortunately, there could not be a lender without a debtor. It was remarked by the "Spectator," or some other essayist, how remarkably the person who advanced money changed his character—that nothing was so amiable as a lender, while nothing was so odious as a creditor; that we went cap in hand to a lender, admiring his liberality and generosity, while, in a year or two, when he assumed the aspect of a creditor, we dreaded to see his face. Yet these were the same individuals in different stages of their progress. The Crown, too, must so change its character; and unless loans were to be a cloak for gifts (and he would not say whether a free gift once for all would not be preferable to a perpetual succession of loans) the Crown must come to demand payment. The prerogative of the Crown would be very inconvenient, not only to the borrower but to all the creditors of the borrower. It stepped in before them all. Such a scheme would place the landlords in a state very inconvenient to themselves, very inconsistent with their independence, and very injurious, if

not ruinous, to those who were their previous creditors. These were the reasons which had unwillingly diverted him from the application of such a plan in England, and which would render him still more decidedly averse to it in the case of Ireland. As to the other, and less objectionable, part of the proposal—to advance a sum in aid of public works, they had to recollect, that there were sums at the disposal of the government not yet expended: and therefore, though he felt most unwilling to throw cold water on any plan, sincerely intended, as he believed the present to be, for the benefit of Ireland, he felt himself compelled to dissent from the motion.

Mr. Maberly, in reply to the objection just urged by the right hon. secretary, said, that there had been repeated instances in which loans had been made by the government to individuals, with acknowledged advantages to the country; yet these individuals had been placed in that very position with respect to the Crown, which the right hon. secretary now contended was a sufficient objection to the plan of his hon. relative. The right hon. secretary had rested his objections on the supposition, that the plan was to lend money on landed security. Not so. It was a plan to advance money for specific purposes. His honourable relative had adverted to districts of Ireland, where the people were even now in a state of starvation—where rebellions had broken out—and where, if the people were not employed, rebellion would break out again. He had himself received letters from that country, which described the extreme misery in which the people existed. They could hardly be said to subsist. They were often unable to get the 5s. or 6s., or 7s. necessary for the purchase of the seed of the small plot which they tilled to pay the rent of the ground, out of which they raised the potatoes which formed their only food. The people of Ireland asked for capital to enable them to grow that material, which they were now obliged to purchase from other nations. They were willing to work. There were thousands of them who were either not employed at all, or whose employment was so insufficient, as to yield them little more than 2d. a day. How could it be expected that they would be contented or happy, when they were prevented, by adverse circumstances, from selling that labour, which was the only marketable commodity they possessed?

The House had granted money without hesitation to build churches and to adorn palaces, and yet it doubted the propriety of making a grant where it would at least be as profitably employed. The Irish people, in fact, only required a loan, by which they would be enabled to plant and grow flax in their own country sufficient to employ those among them who were without the means of subsistence, only because they were deprived of the opportunity of labour [hear, hear, hear !]. He should support the motion.

Colonel *Trench* said, he believed that the gentleman who had been so frequently alluded to that evening, was not an Irishman, but an English gentleman superintending an estate almost ruined by English attorneys. If his example were followed by the male part of the Irish gentry, and if the example of his wife were imitated by the resident Irish ladies, the greatest blessings would arise to that country, and Ireland would soon be in a very different situation. It had been said, that a crisis would arrive. It should have been said, that the crisis had arrived, and that in every case where sympathy and kindness had been shewn towards the peasantry, the general situation of the parties had been materially improved. The Irish people had warm hearts and generous dispositions, and even the outrages of which some of them had been guilty, arose less from want of feeling, than from an overflow of warm feeling, goaded on to despair by distress and famine. The conduct of the resident gentry towards the lower class of the people had been productive of most mischievous effects. The people of Ireland enjoyed in no respect the same advantages as the people of England. The bank of Ireland would not lend out its capital in the same manner, nor at the same interest, as the bank of England. The distress of the Irish resident gentry was so great as to exceed belief. They were, in many instances, only the agents, and sometimes the ill-paid agents, of their own creditors. They were not able to adopt those improvements which were suggested for the employment of their tenantry, and for their own individual interest. On that ground only they wished for an advance of capital; but he much doubted, if it was granted, whether they would be materially benefited by it, as they were not like the Dutch or Scotch; for though they were warm-hearted and generous, they wanted

prudence and foresight; and had such a distaste for trade, that they would rather their sons should starve than apprentice them to the first tradesmen in London.

Mr. *Abercromby* said, that when he first entered the House, he had no intention whatever of uttering his sentiments on this subject, but from what had occurred, he felt bound to state some reasons for the vote which he should give that night. He was sorry to say, that he could not vote for the measure of his hon. friend, as it was now framed. It had been brought forward with great ability, and urged on the attention of the House, with such arguments, and in such a manner, as did infinite honour to the talents and temper of the gallant mover. It was with no inconsiderable pain that he should vote against this measure, because he was of opinion, that every proposition, that tended to relieve the distresses under which Ireland now laboured, deserved the most favourable attention. He was fully convinced, that Ireland owed less to the liberal policy of ministers than any other country in Europe. The present proposition came before the House under very peculiar circumstances. There was at this moment, a redundancy of capital in the English market—so great, indeed, that it could not be fully employed; and yet, though England was joined with a country containing an active population of six millions, who were greatly in want of capital, none of that redundant capital found its way into that country. Upon this statement it was asked of the government to do that which no individuals would do. If the House looked to what was, or at least ought to be, the best criterion of the value of property—land, what would they observe? Why, that though the price of land in Ireland was one-third less than in England, yet none of the English capital went there to purchase. What could be the cause of this? Did it not prove that in the state of things there was something so dreadful, as to offer no hope, no interest, no advantage to the speculating capitalist? To all other parts of the world did English capital go—but not to Ireland. This fact seemed to him to place the subject in such a point of view, as called for the most serious consideration both of the ministers and the legislature. It was a state which could be the result of nothing but a series of acts of misgovernment. It proved, that both

person and property were in such a state of insecurity, as to offer insurmountable obstacles to the employment of capital, and to disable any man from pursuing a course which would be as beneficial to the country as it would, under other circumstances, be profitable to himself. The redundant population of Ireland had been stated as another source of evil, to which had been added her internal commotions. If he now voted against granting any relief to Ireland, it was because he thought that, until the obstacles to which he had alluded were removed, no capitalist would venture his property in Ireland, and that until capital was beneficially employed there, no one could rationally entertain a hope of the permanent tranquillity of the country. It might perhaps be said, that it was odd he should make these observations, and yet vote against the proposition of his hon. friend. But, when he looked to the nature of the proposition, to the large sum required to be lent, and asked himself what security could be offered for the loan? The only answer he was able to give was, the land. Now, it was not part of the proposition, that the money should be lent directly to the landholders, for if it were, he should at once exclaim against it; and yet, in lending it to the manufacturers, the result was the same, for government could not afford to lend on mere personal security; and what beyond personal security could they look to, except to the land? Whether, therefore, it was lent on land directly, or whether the land was only pledged as a collateral security for its re-payment, the evil was the same, and the remedy by the government also would be ultimately the same. Viewing it in this light, the case appeared so plain to him, that he could not but express his wonder at hearing the right hon. secretary of state for foreign affairs, whose views were generally so clear, declare that he had ever entertained the idea, or entered into the calculation, of such a project. If the government lent the money on the security of land, they would destroy the sale of land for a considerable time; for who, under any circumstances, would think of purchasing land pledged for a debt to the government, whose process would follow it into the hands of every successive purchaser? Whether any minor measure of relief could be proposed—such, for instance, as lending money to the middle classes, for the purpose of affording em-

ployment to the manufacturers—was a question which might afterwards be discussed. It would be an exception to the general rule, made in favour of Ireland on account of her peculiar circumstances. He was of opinion, that if money were lent to the people of Ireland on the plan of the Irish committee, it would be beneficial both to England and Ireland; to the former, as it would offer her the advantage of capital, and to the latter, as it would promote a good understanding between her and the sister country. The efforts of the Irish committee proved that such a result might be fairly anticipated; and the hon. member near him (Mr. J. Smith) deserved the highest praise for the part he had taken on that committee. The gentlemen opposite were involving both themselves and the country in inconsistencies. They were educating the people of Ireland, and thus taking the film off their eyes; while at the same time they were continuing to pursue a line of policy which must naturally tend to excite irritation. If that policy were continued, and capital were thus prevented from finding its way into Ireland, and giving the people employment, they would be the ready victims of any who were willing to mislead them. He would not press this argument further; but, when he observed the progress of education, he could not but feel, that unless government accommodated itself to more liberal principles, they were proceeding in a very mistaken manner, and in a most dangerous path.

Mr. *Monck* observed, that the evils of Ireland arose from an excessive and redundant population, and from a want of the means to afford employment to the people. Of these the former was the greater, and he thought that, in some measure, it might be mitigated, by giving the people different habits of living.—At present, they lived, or rather existed, on the very lowest means; and when those failed, through an accidental bad season, they could have recourse to no other. Another evil produced by these low means of subsistence was, the prevalence of early and inconsiderate marriages; by which poverty and wretchedness were introduced into a family, and by which a man made himself and his children the slaves of the landlord. In this respect, the greatest difference was observable between Ireland and Scotland. The superficial extent of the two countries was the same, and yet in

the former the population was seven, in the latter only two millions. He did not agree with the noble lord (Althorp) who had proposed to take of all taxes on articles of consumption; for that would be a boon to Ireland at the expense of the other two kingdoms. The manufacturers in England and Scotland could not then compete with the manufacturers of Ireland, wages would be the same in all, but in one of the three alone the labourer would receive his wages free from taxation. The remedies he should propose would be to check the increase of the population, to give employment on principles different from those mentioned that evening, to forbid, by an act of parliament framed on the manner of the statute of Elizabeth, any person building a cottage without a certain quantity of land attached to it, as the building of those mud cabins greatly tended to the increase of the population, as had been satisfactorily shewn by Mr. Malthus—to lay a tax of a shilling in the pound by way of land-tax on all absentees; and to introduce the English system of farming. The present motion, if adopted, would only afford employment to about 40,000 people, whilst 300,000 or 400,000 wanted work. It was therefore inadequate; and besides that objection, he disliked the principle of giving relief to Ireland, at the direct expense of England and Scotland.

Mr. *Hutchinson* said, that he did not desire the improvement of his native country at the direct expense of any other portion of the empire; but he did put in a claim for justice and good faith towards Ireland. He was glad to see that English gentlemen were directing their attention to the state of Ireland, and he felt grateful for their exertions. He had been for twenty years vainly endeavouring to rouse the attention of government and the parliament to the consideration of the condition of his native country, and contending for that admission which was at length so freely given; namely, that the improvement of Ireland must conduce to the general welfare of the empire, and that her tranquillity would add to its stability. As long as persons and property were insecure in Ireland, so long would the peace and prosperity of Great Britain be marred and compromised. He bestowed his warmest commendations upon the hon. mover of this question, and asked its opponents, if they could deny that the employment of the peasantry was an indis-

pensable object, and if this motion did not tend to afford some employment? He seized this measure because he saw no better offered. He had been calling for years for inquiry, and for relief for the wretched population of Ireland; and the government were deaf to the call. But, did they imagine they could continue this indifference? Did they think they could retain Ireland in their hands, by always meeting the growth of misery with coercion? The notion was preposterous. There was a state of distress accumulating in the south and west of Ireland, that if it were felt in Lancashire, or in Scotland, would require the whole standing army of the kingdom to keep from breaking out into open revolt. He implored ministers to direct their calm and dispassionate attention to the condition of Ireland, not to advance as, hitherto, at a snail's pace, but before they prorogued parliament to take up the subject seriously; for the danger could no longer be overlooked. He called upon the government to remember the pledge given, at the time of the Union, by Mr. Pitt and lord Clare—the solemn assurance, that in the imperial parliament the redress should be afforded to Irish grievances; which it were vain to expect from the contending factions which then convulsed Ireland and disgraced her government. Look at these promises, and their subsequent abandonment. The hon. member then took a review of the wretched condition of the peasantry of Ireland, and implored the House not to reject a motion which had their improvement for its object, without stipulating for some other which was likely to be more generally palatable. He implored them to meet the question with calmness and temper, and, whilst they admitted the errors of the past, to proceed in a spirit of firmness and conciliation to repair injuries which had already been too long and too severely inflicted.

Mr. Alderman *Bridges* said, he was sorry to hear of the distressed situation of the Irish peasantry, which he hoped would meet with serious attention from the government. He could not but be struck with the singular and melancholy fact, that while loans could be had in England for people in the remotest corners in the world, not a shilling could be raised for Ireland.

Sir *John Newport* said, he entirely agreed with his hon. friend that tranquillity must be restored, before capital

could be expected to find its way into Ireland. But he was astonished to find the government so passive upon the state of Ireland, and that they should appear to hope for the attainment of tranquillity from the operation of coercion and insurrection laws. He would contend now, as he had often done before, that the great impediment to the circulation of capital in Ireland would be found in the bad administration of the laws of that country. Why, he would ask, did government allow session after session to pass away, without adopting some remedy for this state of things? It had been stated over and over again, and proved before committees of that House, that the manner in which the office of sheriff and sub-sheriff was executed in Ireland, was a complete bar to the introduction of capital into that country. The right hon. gentleman opposite might say, that since the report of the committee, the appointment of sheriffs had been carefully attended to. But, the office of sub-sheriff was totally neglected, and those persons did their duty now in the same manner as formerly. Some fears had been expressed of the Irish working for lower wages if relief should be given them; but, it was impossible for them to do this. They now received only the bare necessities of life. They wanted employment; and he could shew that this arose from the false policy of the government. Ever since the Union it had laboured to raise the scale of taxation in Ireland as high as it was in England, and had only to relinquish it when it was ascertained, that the attempt was wholly unproductive. For twelve years he had remonstrated against this scheme, and had foreseen the evils resulting from it of a beggared gentry and a ruined peasantry. The House had, however, at length found, that it was impossible to raise Ireland as high in the scale of taxation as England. The hon. gentleman had asked, were the people of England and Scotland to subsist the Irish? Did the hon. gentleman know, that there were immense sums of money poured from Ireland into England, furnishing food and clothing to its people? And, was there to be no remuneration for this? Was none of it to be returned? The Irish gentlemen fled to the continent, because they were no longer able to sustain their rank. They were driven from their native country by taxation; and it was not too much to expect, after a long course of vicious policy

had produced these effects, that the government should be called on to shew the Irish the way out of their misery? They had a right to expect that the legislature which had brought them into this state, should direct them how to get out of it. It was the duty of the right hon. gentlemen opposite, to find out more effective measures; and, if they could not agree among themselves, each one of them ought to sacrifice somewhat of his individual opinion, and agree to some general and efficacious measure. While education was spreading among the people of Ireland, and they were not improving in their condition, their progress in knowledge would only be fatal to this country; as they thereby discovered their strength, and became sensible of their oppression. Nothing but evil could result from their increased knowledge: and the most fatal collision of two countries must be expected, which it was the duty of government and the wish of all good men to see indissolubly united. It was a most important question, involving the peace and happiness of both countries. It was an imperial question, and he protested against any such questions being considered as the measures of a party, and rejected because they originated with the opposition side of the House. If it were not taken up in a season of peace, it would be forced on the attention of the House during a period of war. It was only during periods of domestic distress that justice had ever been done to Ireland. If her situation were now ameliorated, the people would receive it with gratitude. If not now done, they would hereafter demand it in a season of difficulty and distress.

Mr. Secretary *Peel* thought, that but a very small part of the right hon. baronet's speech had any bearing on the question before the House. All he should feel it necessary to observe on the present occasion—which he considered by no means the best that the right hon. baronet might have selected for that speech—was, that he fully coincided in the objections which his hon. friends had taken to the motion. The right hon. baronet had said, that one of the great obstacles to the importation of capital into Ireland, was, the present condition of the administration of justice in that country. He had particularly alluded to those officers who were engaged in the recovery of debts, and had asked, why no remedy was applied to the known deficiencies of

their department. With respect to the nomination of sheriffs, he seemed to be satisfied that government had effected every thing that was in their power for the due execution of their office. With regard to sub-sheriffs, to whom the right hon. baronet's objections seemed principally to be taken, he was willing to allow that in the discharge of their offices a very defective system prevailed. But, was it not a fact, that at this very moment a commission, that had been mainly instituted on the suggestion of the right hon. baronet himself, was employed in the investigation of this very subject? Would it not be much better, therefore, to leave the discussion of such a topic until the House should be in possession of that commission's report?

Sir *J. Newport*, in explanation, remarked, that that commission was appointed to inquire into the fees and duties of the office of sheriff in Ireland, and could not, therefore, report any thing satisfactory upon the subject of his complaint as to the sub-sheriffs, under the present system; for he complained of the non-execution of their duty, and insisted upon the necessity of enforcing a proper discharge of that duty.

Captain *Maberly* rose to reply. He said, that all parties seemed agreed as to the nature of the evils which agitated Ireland; the only difference appeared to be, as to the remedy which it might be proper to apply to them. He fully admitted the force of many of the objections that had been urged to his motion; but he thought that the advantages which would arise from encouraging manufactures in Ireland, from establishing habits of industry and civilization, and from providing permanent employment for the poor population of that country (for such relief could only be furnished by permanent, and not by temporary employment)—these advantages, he considered, would more than counterbalance any such objections. He had no doubt, from what had occurred in Scotland in 1817, where an advance of capital had enabled individuals to establish a new branch of the herring fishery, and beat the Dutch out of the market of Ham-burgh, that if capital were advanced to Ireland, fisheries would be established in that country also. He was sorry the gentlemen opposite did not see the measure in the same light in which he did; but he should feel it his duty to divide the House on the question.

The House divided: Ayes 83. Noes 85.

List of the Minority.

Althorp, visc.	Nugent, lord
Brownlow, C.	Pelham, J. C.
Clements, J.	Power, R.
Clifton, lord	Rice, T. S.
Denman, T.	Smith, J.
Ebrington, visc.	Smith, hon. R.
Ellis, hon. G. A.	Stanley, lord
Foley, J.	Stanley, hon. E. C.
Handley, H.	Stuart, W.
Honywood, W. P.	Sykes, D.
Hutchinson, hon. C. H.	Talbot, R. W.
Lamb, hon. G.	Tierney, right hon. G.
Leader, W.	Westonra, hon. H. R.
Maberly, J.	Whitbread, S. C.
Maberly, captain	White, H.
Marjoribanks, S.	White, S.
Newport, sir J.	Wood, M.

SCOTCH JURIES BILL.] Mr. *Kennedy*, after apologising for the possible irregularity of his motion at this stage of the business of the session, moved the bringing up of the report on the Scotch Juries Bill.

The *Lord-Advocate* said, he was not averse to the motion, but felt disposed, in fairness to his hon. friend, to point out those parts of his bill, to which he should at a future stage of it take some objections. No specific evil had been done, which this bill could remedy. It exposed the jurors to very unequal labour; and if it happened that a juror was taken from a wrong parish, which might be the case in places like Glasgow, where there were twelve parishes, and the boundary of each was not exactly defined, the whole panel was set aside. He objected also to the complexity of the Bill.

Sir *G. Clerk* thought, that notwithstanding all the pains that had been taken with this bill, it was still in such a crude and imperfect state, that instead of being a benefit, it would throw the whole criminal law of Scotland into confusion.

Mr. *Abercromby* complained of the manner in which his hon. and learned friend, as well as the people of Scotland, had been treated by the lord advocate. He was surprised that a man holding the situation of public prosecutor, should have allowed this bill to have gone thus far without having stated his objections to it. It was not dealing handsomely with the House to bring forward his objections in this indirect manner.

Lord *Binning* said, he was ready to wave the selection of the jury by the judges; but he was not bound, on that

account, to accede to all the machinery of the new system; and he would therefore put it to the hon. and learned gentleman, whether it would not be advisable to postpone the measure until a more satisfactory arrangement could be made.

Mr. *W. Courtenay* said, he should support the measure, because he thought the contemplated change would be productive of good.

Mr. Secretary *Peel* said, his only wish was, that if a change was to take place, it should be effected in the best manner. He felt the force of some of the objections to the bill, and would suggest the propriety of re-committing it, with a view to further consideration.

Mr. *Scarlett* said, he was disposed to meet the question in the same spirit as the right hon. gentleman; but it was incumbent on the learned lord, not only to state his objections, but, as he agreed to the principle of the bill, to specify the substitute he would propose for the present system.

Mr. *Kennedy* said, it was a thankless, hopeless, irksome task, to argue on the details of this measure, after what had occurred; but he must bear his testimony to the fairness with which it had been uniformly met by the right hon. secretary of state. He had no objection to the re-commitment of the bill, on the understanding that the learned lord, and those who thought with him, would be prepared on an early day to meet the discussion.

The *Lord-Advocate* said, it was not his duty, but the duty of the hon. gentleman who had introduced the measure, to propose the amendments. He had thought the measure impracticable, and he thought so still; but any thing like hostility towards the hon. gentleman, was contrary to his intentions and feelings.

The bill was ordered to be re-committed.

HOUSE OF COMMONS.

Wednesday, May 5.

KENSINGTON OR HYDE-PARK-CORNER ROADS BILL—PETITION OF MR. COBBETT AGAINST.] Mr. *Hume* said, he had a petition to present from a gentleman who was very generally known—Mr. William Cobbett. It was probably known that this gentleman had for some time turned his attention to the abuses of the toll-gates. He was happy the subject

had fallen into such hands, as they required so much to be looked after. The object of the petition was, to call the attention of the House, and to place them on their guard against passing a third bill, which was now in progress—the Kensington Road bill. The petitioner understood that that bill had already been read a second time, and was therefore anxious to put the House in possession of some information regarding it, previously to its being read a third time. By a general turnpike act, passed at an early part of the reign of his late majesty, it was enacted, that the accounts of all turnpike-roads shall be made up by the commissioners in the October of each year; that they should be deposited in the office of the clerk of the peace; and that they should be exposed, upon payment of a small fee, to the examination of any person who wished to inspect them. Mr. Cobbett, knowing that the tolls of this gate amounted to 14,000*l.* a-year, and having doubts as to the correctness of their management, and finding that the treasurer of them was a justice of the peace, applied at the office of the clerk of the peace, in October last, for the accounts of the Kensington-road. The answer which he received was, that there were no such accounts there. He applied again in November and December last, but his applications were in vain. Indeed, it was not till the last three days that the account which the act of parliament required was deposited in the clerk of the peace's office. That account was in a most un-business-like shape: it was actually unbalanced; but it still appeared, that there was a balance in the hands of the treasurer, sufficient to pay off all the bonded debt of the road. The act required, that this debt should be paid off as soon as the amount of the tolls would permit it: but though such was the case, the commissioners now came forward to demand an extension of that act, after they had acted directly in the teeth of its preamble. What was the fact? At the bottom of the account, which was signed, George Barker, chairman, it appeared, that the whole bonded debt, in January last, was, 2,500*l.*; and the justice of the peace, who filled the situation of treasurer, actually had more money in his hands at the time, than would have liquidated it. A small part of the debt, about 850*l.*, had been paid off; while, by the account which had been

produced, it appeared, that the treasurer had in hand 4,500*l.*, being more than the amount of all their debt. Under these circumstances, he hoped the House would not allow this bill to pass, without investigating the manner in which these individuals had violated the trust reposed in them. A penalty of 50*l.* might be levied for not having the account ready at the time prescribed by the act; and he believed an action had been brought to recover that sum from the negligent party. But, what was a penalty of 50*l.* to an individual who was allowed to keep a balance of 4,000*l.* or 5,000*l.* in his hands? The petitioner prayed, as two years were yet to expire under the present act, that the House would reject the bill which was now in progress. He would now bring up the petition; and at a future period he would move for a copy of the account, in order to see how far it agreed with the actual state of the case.

Lord Lowther said, that the bill alluded to by the hon. member had already passed the House of Commons, and was gone up to the other House for its sanction. He was most happy that an inquiry had been instituted, for nothing could be more enormous than the trusts of turnpikes in the neighbourhood of London. They amounted to 150,000*l.* annually, besides statute duties, and it was difficult to find out how these funds were disposed of.

Mr. Hume said, a bill had been passed, the preamble of which contained a gross falsehood. He wished to know from the Speaker, whether there was any precedent to direct them in a case like the present; or whether that House could adopt any measure on discovering that they had passed a bill containing a positive falsehood, while that bill was pending in the House of Lords?

The Speaker said, that the bill was now entirely beyond the control of that House.

Mr. Hume said, that some means ought to be taken to guard themselves against such an occurrence in future.

The petition was ordered to lie on the table. The following is a copy thereof:

"The Petition of William Cobbett, of Kensington, in the County of Middlesex,

"Most humbly sheweth—That there is now a bill before your Honourable House, intituled 'A Bill for more effectually repairing, widening, and improving the Road from Hyde-Park-Corner to Counter's Bridge, and certain other roads in the County of Middlesex, and for lighting, watching, and watering, the said Roads.'

"That, in the preamble to the said bill are the following words: 'And whereas the Trustees appointed by or in pursuance of the said two recited acts (meaning the two local acts) have repaired and improved the said roads, and have made great progress in carrying into execution the powers and authorities thereby vested in them, and, although they have discharged and paid off part of the monies borrowed on the credit of the tolls authorised to be taken upon the said roads a considerable sum remains undischarged, and cannot be paid off, and the said annual sum of one thousand pounds be paid to the said committee of Paving for St. George Hanover-square; nor can the said roads be effectually amended, widened and improved, and maintained in repair, unless the term and powers granted by the two first-recited acts be continued, and further provisions be made for that purpose.'

"That these words contain a barefaced falsehood, as will be seen by your honourable House in the following statement of the pecuniary affairs of this Road. That this statement has been obtained by your Petitioner, agreeably to the Act, from the Clerk of the Peace of the County of Middlesex; that your Petitioner is ready to prove at your Bar the authenticity of this statement, which is in the following words, to wit:—

"General Statement of the Income and Expenditure of the Kensington, &c. Turnpike Roads, between the 1st of January and 31st of December, 1823.

Expenditure.

"To Surveyor's accounts of day-labour between the 1st day of Jan. and the 31st of Dec. 1823, for maintenance and repair of Roads, and watering the same	£.2,187	8	5
Team-labour for the same period, including water-carts, and cleansing the roads	745	1	6
Watching the roads	563	11	6

Contractors' and workmens' bills for materials supplied for maintenance and repair of roads and foot-paths	4,774	13	5
Repair of toll-houses, gates, lamp-posts, and new toll-boards	258	1	0
Lighting the roads	684	17	11
Purchase of land for widening the roads, building a brick sewer under the surface of the road instead of an open sewer, and a new fence to widen the road	938	11	6
Ten turnpike bonds paid off	1,000	0	0
Salaries and other payments of clerk, surveyor, and other officers	618	5	0
Printing, advertising, and stationery	48	11	0
Interest of bond debts	108	19	7
Annual sum paid to the Commissioners of paving of St. George, Hanover-sq.	1,000	0	0
Commissioners of Hans Town	140	0	0
Incidental charges	96	1	6
	£.13,164	2	4

Income.

By balance in Treasurer's hands	£.3,147	17	4
Amount of one year's rent received from the Lessees of the Tolls	14,000	0	0
Composition in lieu of statute labour for the year	324	0	0
Incidental receipts	195	9	10
	17,667	7	2

General Statement of Debts and Credits.

An account of the amount of Debt bearing interest (a 1,000 <i>l.</i> of which has subsequently been paid)	£.2,500	0	0
An account of interest due	50	0	0
An account of floating Debt....	875	9	0
	£.3,425	9	0
(Signed)			
	£.1,395	3	4

Accruing rent of Tolls	£.1,166	13	4
Compositions due from parishes..	228	10	0

GEORGE BARKER, Chairman.

"That, according to the foregoing account, these roads owe but 1,500*l.*, while the treasurer has now in his hands 4,503*l.* and that he had, at the settlement before the last, upwards of 3,000*l.* in his hands, while he was charging the road for interest of borrowed money.

"That, therefore, the above quoted part of the preamble of this bill is wholly false; that the principal pretence for passing the bill is unfounded; that the present local act does not expire for two years yet to come; that a new act is not yet wanted; that if this bill pass, it will contain a flagrant falsehood, and will be greatly injurious to the public, and will encourage and foster a most scandalous job; and that, therefore, your petitioner most humbly prays, that the said bill may not pass. And your petitioner will ever pray.

"WM. COBBETT."

TITHE SYSTEM IN IRELAND—PETITION AGAINST TITHES COMPOSITION BILL.] Mr. *Hume* said, he had a petition to present of considerable importance. It related to the question of tithes, and was in every respect deserving the serious

consideration of the House. Viewing all the consequences of the Irish tithe system, he could not help observing, that he was surprised at the extreme patience of the Irish people; for any man who reflected on its permanence and its pressure, must admit that the sum of suffering was even greater than what the Greeks had borne from their Turkish oppressors.

The following is a copy of the petition.

"The Petition of the Parishioners of the Parish of Blackrath, in the Diocese of Ossory, and County of Kilkenny:—

"Humbly sheweth—That in Ireland the tithes of every parish are valued by two tithe-proctors, who, instead of being respectable persons indifferently chosen, one by the parson and the other by the parish, are, in general, persons of the lowest description and worst characters, selected solely by the more wealthy and powerful of the two parties interested, whose wages they receive, and at whose pleasure they may be discharged. Your petitioners leave it to your honourable House to judge how far tithe-valuations,

made by such sort of persons so circumstanced, are likely to be fair and impartial, in a country where corruption is carried to a height which, in England, would be scarcely credible :

“That by law the clergy themselves are bound to defray all the expenses, and incur all the risks of saving in the field, drawing home, preparing for sale, and carrying to market, the tenth of the crops; but, in point of fact, they contrive to impose all those risks and expenses on the farmers, in consequence of which two legal tenths, instead of one, are exacted from the poorest people in Europe by the richest clergy in the world:

“That the tithe owners, instead of informing the tithe payers of the amount of tithes charged against each of them, immediately after the view, which always takes place before harvest, keep it a profound secret till the settlement, which generally takes place after new-year's day, and then the parsons, instead of charging their parishioners the actual prices which the new crops bore in the next market at the time of severance (as bound by law), charge them the highest prices which either new or old had brought in any market of the county, from the day of the view till the day of the settlement, contrary to every rule of tithing, and every principle of justice, and, after the settlement, procure them to pass their promissory notes for the sums so illegally and unjustly charged :

“That though, in point of law, each and every cultivator in a parish has a right, from time immemorial, to set out the tenth of his crops in kind, yet, in point of fact, not one clergyman in a hundred allows his parishioners the general exercise of that ancient and undoubted right. On the contrary, should even twenty or thirty persons in a parish, containing five-hundred or a thousand tithe-payers, attempt to pay him in kind, the tithe owner refuses to receive the tenths under some capacious and frivolous pretext, and when they have rotted in the fields, commences a suit for the recovery of the amount in the Bishop's court; and, whatever may be the pretext so alleged for refusing the tithes, it almost invariably happens, that the clergyman who presides in that court in all such cases, decrees in favour of his brother clergyman who brings the action, by which means the impoverished landholder is obliged to pay the same tithes twice over—once in kind, and again in

money. And these facts your petitioners are ready to prove by evidence at the bar of your honourable House; or (which they would prefer) on oath before commissioners; or in any other manner which your honourable House may think proper to appoint. Your petitioners respectfully submit to your honourable House, that when the cultivators of the soil are thus deprived of that right which constitutes their protection against tithe extortion, there remains no restraint, save a regard to prudence, to prevent the tithe owners, lay and ecclesiastical, from plundering the landholders at pleasure :

“That the consistorial courts, instead of remedying any of the abuses above stated, are themselves the great source of tithe grievances. It is only necessary to remind your honourable House, that in those courts the vicar-general, or his surrogate, a clergyman chosen, not by the Crown, but by the bishop, is, in tithe causes, at once judge and jury. How far such a person is likely to possess the necessary qualifications to fill properly the important office he undertakes, is sufficiently apparent. He is to decide on legal difficulties without having made law his proper study, and therefore cannot be a competent judge. He is to determine tithe causes in the very diocese where he is himself generally a tithe owner, and therefore cannot be a disinterested judge. In fact, so gross is the mal-administration of Irish justice in those tithe causes, that the peasantry of Ireland hold the court Christian in as much detestation as the scarcely less wretched people of Spain hold the Holy Inquisition. These tithe courts are, in fact, the great cause of tithe disturbances; and your petitioners submit to your honourable House whether some excuse is not to be allowed for a high spirited population, long remarked for their ardent love of equal and impartial justice, whether it be for or against themselves; if, instead of thus eternally submitting their unredressed wrongs to an appeal to law, they have sometimes sought to vindicate their violated rights by an appeal to arms.

“That this bad system is rendered still worse by rarely allowing any appeal in practice to a superior tribunal. It is true there exists an appeal in theory, but it is such an one as is a mere mockery of justice, an appeal, the costs of which are so enormously disproportioned to the sum in dispute, that no poor man could, and

no rich man would, encounter the expense; more especially as it is only an appeal from one Irish ecclesiastical tribunal to another. Your honourable House may form some faint idea of the administration of justice in tithe causes from this single consideration, that the decision is in all cases left virtually without appeal, to the breast of a sole judge, at once interested and incompetent, who knows no control but his conscience, no law but his will:

“That any composition for tithes, however equitably intended, if founded on the system of extortion above described, cannot but be unfair and oppressive. But the tithe composition act of last session is objectionable in the highest degree, because it is at once unjust to the people and injurious to the government. It is unjust to the people for a double reason. First, because the annual incomes of the clergy at the commencement of the term of composition, are fixed at the amount of the respective averages of their annual receipts for the seven years, from 1815 to 1821, a period during which those reverend personages reduced not the rates of their tithes, even so much as one per cent, although a reduction of 300 per cent had in that interval taken place in the prices of tithable produce. And next, because the average price of wheat in the Dublin market (which is to regulate the future triennial increase or diminution of clerical income) is directed to be struck for these seven years, when the prices of grain had sunk nearly to the lowest, though the rates of tithes still continued fully to the highest; instead of the act directing the average income and average price to be fixed, as in justice and equity they ought, when tithe and grain were both at the highest, or both at the lowest. By this most inequitable provision, the average price of wheat affixed to every composition, is not much more than 30s. a barrel, a price which leaves every probability of a rise in favour of the clergyman, and scarcely any possibility of a fall in favour of the farmer. Whereas it should, according to the above equitable rule, be considerably more than 60s. a barrel, a price which would ensure, even at the end of the first three years, a reduction of tithes to their just and proper level. But the late tithe composition act is not less injurious to the government than unjust to the people. In fact, few laws can be found, even on the Irish Statute-book, so well calculated to unite all classes of the

landed interest in one general confederacy against the established government in church and state. In the first place, the great proprietors must feel highly indignant that the parson should be allowed to make their rent a security for his tithe, and to claim, for his demand of a single year's standing, a precedence over their most ancient family settlements. In the next place, the extensive farmers must feel extremely incensed to be compelled, by the enormous increase of their tithes, to break down their large farms into small holdings, and instead of continuing to occupy their lands themselves at a moderate profit, to be obliged to let them to hordes of miserable tenants, in all probability at a ruinous future loss, in order to avoid, in the first instance, the certainty of a serious addition to their present ecclesiastical burthens. And lastly, the small tenants must become even more disaffected than they are at present, because this wide extended, and unexpected subdivision of lands will greatly and suddenly increase the population, and of course the poverty, of this egregiously misgoverned country. The consequence of all this your petitioners apprehend will be, that the whole confederated people of Ireland will make, at no distant day, as universal an effort for the relief of their agriculture, as they made at the time of the volunteers for the relief of their trade:

“That the church lands of Ireland in the hands of ecclesiastical corporations, sole and aggregate, amount to nearly one million and a half of English acres. These lands, which were originally some of the best, are now, by a long course of mismanagement, some of the worst in the kingdom, the occupying tenants being called on generally every three years, to pay all the little capital they can accumulate for renewal fines; instead of being allowed to expend it to their own benefit, and that of the community, on the improvement of their respective farms. Of those territorial domains of the church, far the greater part are bishops lands. These lands the bishops lease to their tenants, not as they ought to do, without renewal fines, at the full and improved value, for the benefit of the church, but at a gross undervalue on large renewal fines, to the public injury of the church, and the private gain of their own families. Of these renewal fines, each primate receives, on an average, about 200,000*l.* each; of the three other archbishops, about 100,000*l.*,

and each of the eighteen bishops about 50,000*l*. If your honourable House calculate how much each succession of prelates must at that rate cost this impoverished kingdom for renewal fines, and if you add to this the immense annual revenues of the twenty-two prelaties, the enormous sums drained from the beggared people every year in the shape of tithes, the large parliamentary grants levied on the community at large for building churches, and other purposes, which the clergy themselves should, in honesty, and justice, and decency, pay for from their first-fruits; and the considerable sums wrung from the wretchedness of the peasantry for parochial church rates, you may easily comprehend how the church in this country makes bankrupt the state, and why the exactions of the Protestant clergy destroy amongst us the Protestant religion.

“Your petitioners beg leave respectfully to represent to your honourable House, that if the territorial revenues of the Irish hierarchy, instead of being improperly diverted to the enrichment of the families of particular churchmen, were honestly managed for the general emolument of the church; and if the Irish episcopacy, instead of being kept up to an establishment sufficient for a population of ten millions of Protestants, were reduced to the number necessary for half a million members of the established religion, the ample rents of these extensive church lands would form not only a sufficient fund, but a fund much more than sufficient to maintain the reduced number of six or seven prelates, and the full number of 1,275 beneficed clergymen in a proper and becoming style of christian competence. Were this desirable and necessary arrangement adopted, our oppressed and beggared peasantry might then be relieved entirely from the intolerable grievance of tithes; a grievance, if not the sole, at least the principal cause, of all that distress, disturbance, disaffection, and insurrectionary horror, which now renders Ireland a source of constant expense, as well as of incessant terror to England.

“Your petitioners therefore implore your honourable House in the first place to repeal the tithe composition act of last session; an act which, professing to lighten the heavy ecclesiastical yoke under which the people of Ireland groan, doubles its weight, and rivets it on their necks for ever.

“In the next place, your petitioners supplicate your honourable House, that the abuses of the tithe system be promptly and effectually reformed; that the two tithe valuator be appointed indifferently, one by the parson, and the other by the parish; that, as soon as the proctors shall have valued any person's tithes, they be obliged to give him a field ticket copied from their field book, specifying the number of acres of tithable produce, the number of barrels or other measures in common use, of such produce valued to the acre; the prices charged both by the acre and by the barrel, and the total amount of the year's tithe; that, in all cases where tithes shall be set out in kind by the one party, and refused by the other, the tithe owner be obliged at the time to state in writing the reason of his refusal, and the tithe payer be authorised, in cases where the tithes so set out and refused shall not exceed the yearly value of 10*l*., to bring his action of trespass and damage in the Civil Bill court, at the same moderate costs as in other cases of Civil Bill process, instead of being compelled, as at present, to resort for redress to the superior courts of justice at costs so enormous as to amount to an absolute prohibition of justice to the Irish peasant; that it be lawful for the Civil Bill court, in all tithe cases that come before it, whether brought on promissory notes, or on monitions, to hear evidence as to the value of the tithes sued for, before it decrees for the amount, any statute to the contrary now in force notwithstanding; and that in all cases for subtraction of tithe, where the yearly value of the tithes exceeds not 5*l*., the jurisdiction be transferred from the Consistorial court to the Civil Bill court, with the same right of appeal, and in the same cheap terms as in other civil bill cases; or at least, if a clerical tithe owner is to be suffered, contrary to the plainest principles of justice, to continue to try tithe cases, that the tithe payer be allowed a cheap appeal from him to the judge of assize, or some other lay judge, not chosen by the church, nor personally interested in tithe property.

“And lastly, your petitioners conjure your honourable House, that after the demise of the present incumbents, whose life properties in their benefices your petitioners religiously regard as sacred and inviolable, their successors be paid entirely from the ample revenues of the church

domains, and the people be thus relieved gradually and completely from the oppressive and intolerable burthen of tithes; a relief which England is alike bound to grant to Ireland in gratitude and in prudence—in gratitude, because during the late war, when Europe and America were both leagued against her, Ireland supplied her with nearly one hundred millions of money, with abundance of soldiers for her armies, of sailors for her fleets, and of provisions for her population, at a time when she could not possibly have any supply from any other quarter, and by those ample and well-timed succours enabled her, after a long and desperate struggle, to triumph over the formidable power and mortal hostility of France:—in prudence, because Ireland, which now contains only between seven and eight millions of people, will, in the course of 30 years more, probably contain a population of between ten and twelve millions; a population equally hardy and intrepid, so inured to privation, that they would enjoy the coarsest ration as a rare luxury, and so prone to war, that they actually delight in fighting as an exhilarating amusement. During all that period, tithe extortions and tithe disturbances must both continue to advance with rapid and equal pace. New White Boy acts, new Riot acts, and new Insurrection acts must be passed, and barbarous outrages be punished by still more barbarous, but under the present system, necessary laws. Such an expensive military establishment must be maintained to keep in subjection that numerous and discontented population, as will render the possession of the country a burthen instead of a benefit. And your petitioners greatly fear, that if the crying grievance of tithes be not abolished before the people shall have increased in knowledge and in strength, Ireland can scarcely, by all the power of government, be retained as a part of the empire, even in time of peace; and that in time of war, she will without risk, and almost without effort, separate herself from England for ever.”

Ordered to lie on the table.

TREAD-MILL—PETITION OF SIR J. C. HIPPISELY &C. AGAINST THE USE OF.] Sir T. Lethbridge rose to present a petition from two very respectable magistrates, sir J. C. Hippisley, who discharged the duties of a justice of the peace for the county of Somerset; and Mr. Briscoe,

who was a justice of the peace for the county of Surry; against the punishment of the Tread-mill. As the petition was of great length, and embraced every topic connected with the subject, it would be impossible for him to put the House in possession of the whole of its contents. He hoped, therefore, the House would permit it to be printed. It would then be placed in the hands of members, who, in common with the public at large, would duly appreciate the statements and reasonings which it contained. The petition was against the labour of the tread-wheel—a machine which was in pretty general use throughout this country, as a punishment for crimes. That punishment had been, in some instances, resorted to before the trial of prisoners; but he believed there was a clause in the bill now before the House, which would prevent it in future. He had taken some pains to read several pamphlets which had been written on this subject by an hon. baronet. He had in his mode of handling it displayed his usual ability; and the facts and arguments adduced by the hon. baronet had, in some degree, staggered those opinions which he (sir T. L.) formerly entertained with respect to this mode of punishment. He would press on the attention of the committee on Prison Discipline, who had not yet finished their labours, the propriety of taking into their most serious consideration the various allegations on this subject. Every man must concede to the petitioners, that such a mode of punishment was unknown to the constitutional jealousy of our forefathers. The common law was unacquainted with it. Besides, it tended to impart to the lower magistracy a power which even the judges did not possess.

Mr. Denison said, the labour of the tread-wheel had been received with approbation in four or five-and-twenty different counties. If it were not unanimously approved of by the magistrates, certain he was, that a great proportion of them were favourable to it; and, so far as it had gone, he believed it was the best mode of punishment that could be adopted. It kept the prisoner to hard labour, as the law authorised and directed, without breaking his spirit, or injuring his health. One of the petitioners, Mr. Briscoe, had certainly come before the magistrates at the last quarter sessions for Surry, and laid before them certain charges, which, in his opinion, and that

of the bench, he could not substantiate. There were no gaols in the kingdom where greater attention was paid to the prisoners, collectively and individually, than in those of Surry. The surgeon examined the prisoners twice a week; and he had the discretionary power, if the health of a prisoner were declining, to exempt him from work altogether. He was likewise authorised to order such provisions as the state of a prisoner's health might require. He was confident that when the subject should be inquired into, it would be found that no reasonable argument could be urged against this punishment, and that no gaols were better regulated than those in which it was used. On one point, however, his opinion differed from that of other magistrates. He did not think that women should be employed at the wheel.

Mr. *Hobhouse* said, the great object of the House should be, to prevent an abuse of the discretionary power which the existing act placed in the hand of magistrates. Now, they must be all aware that that power had been very much abused in one or two instances. He would not enter into the merits of the case alluded to by his hon. friend, but he could not help thinking, that magistrates, when intrusted with so arbitrary a power, ought to keep a very strict guard over their conduct. It was always an object in punishment to avoid degrading the culprit in his own eyes and those of others as far as possible; but certainly, no man could ever look upon himself as a man was entitled to do, after being made to run round like a dog in a wheel, for the amusement of those who might choose to stand and gaze at him. The tread-wheel might be a very fit and proper punishment to be inflicted for some offences, which now subjected those who committed them to transportation or to death; but, as applied at present, it seemed to him, to be in the last degree mischievous, cruel, and absurd.

The petition was then read, as follows:—

“The humble Petition of sir John Cox Hippisley, baronet, an acting magistrate in and for the county of Somerset, and of other counties, in which the subject of prison discipline has undergone much inquiry and practical investigation by the resident local magistracy; also of John I. Briscoe Esq., an acting magistrate of the county of Surry,

“Sheweth, That a considerable degree of expectation has been excited in the public mind, and which the petitioners, in their official characters, cannot but regard with the deepest interest, in reference to the progress of a bill now in your honourable House, having for its object an amendment of the general gaol act of the 4th of his present majesty, chap. 64.

“That the petitioners, in common with many other individuals with whom they have had communication, entertain a serious apprehension that the introduction, for the first time by name, of a novel method and machine of punishment into our Statute-book, may be construed into an implied recognition of tread-wheel labour, as a legalized employment for all prisoners who are not the subjects of particular exemption. And this apprehension is still more strongly awakened, by a practical adoption of the tread-wheel in many of the gaols and prisons of the kingdom, as appears in the official communications addressed to the home department of his majesty's government:

“That the petitioners humbly entreat the attention and consideration of your honourable House to the extraordinary and important circumstances; that the punishment of the tread-wheel is altogether unknown to the common law of the land, and is neither named, nor in any way designated in the Statute-book—the only authorities throughout the realm that can justify the use of any specific punishment or penal infliction; and that hence it never has, and, till some change take place in the law, never can form a specific part of any sentence passed by the judges at any assize upon a criminal; yet that this severe, and as they are ready to substantiate, painful and dangerous penalty, has been for several years past very generally inflicted on almost every class and description of offenders by local justices of the peace, who, in numerous instances, have sat in debate on the propriety or impropriety of employing this new punishment; in some instances have decided in favour of it, and in others against it; thus assuming to themselves a power equally unprecedented and alarming, and one which places magistrates on a supposed level with parliament, in which alone is vested the constitutional right of deciding and establishing the law of the realm, and elevates them above the judges of the land, whose inferiors in office, agreeably to the principles and provisions

of the constitution, they have always been esteemed.

"That the petitioners, as magistrates and members of society, regard it further to be their bounden duty, in the present crisis, to lay before your honourable House some of the practical and weighty grounds of objection which exist against this novel punishment, introduced by many of his majesty's justices of the peace, and which, in the opinion of the petitioners, seem to call for an immediate interference of the legislature. In the first place, they cannot but submit to your honourable House, that the tread-wheel, as a mechanical engine, is an unsafe, and even on this account, an unconstitutional mode of punishment; from the complication of its construction, the frequent irregularity of its revolutions, the extent and formation of its shafts, especially as applied in the most considerable prisons in the kingdom, and the enormous weight which it often has to sustain, in consequence of which it has actually broken, and that repeatedly in short periods of time, in various houses of correction: in some instances (where precaution is assigned to have been expressly taken) without accident, as stated by a visiting magistrate of Shepton-Mallet, in the last official returns to the office of the home department; in others, occasioning severe sprains and bruises to those prisoners who had been thereby thrown off the wheels, and precipitated to a depth of some feet, as at Coldbath-fields, which fact, though not appearing upon the face of the returns, the petitioners are prepared to verify. In one instance, the machinery has been the cause of a fractured limb, and in others of immediate loss of life, to such of the workers as have not been aware of its dangers, or not sufficiently on their guard against them. The former instance occurred at North Allerton, in the case of an untried prisoner, whose arm was shattered so as to render amputation necessary; and the latter cases at Leicester, where two men were killed while engaged at the wheel, and at Swaffham, where another prisoner was, instantaneously crushed to death. And the petitioners beg also to observe, that from the evidence of engineers of the highest reputation, there appears to be no possible mode of obtaining an adequate security against many of these casualties, from the insuperable frangibility of the iron, whether cast or malleable, that

enters so largely into the construction of the tread-wheels, whence such calamities must be regarded as inherent in the discipline, and consequently as likely to recur as long as it continues to be enforced.

"The petitioners submit next, that this instrument of punishment is further objectionable from its injurious effects on the health of those who are sentenced to it. They are able to prove on oath before your honourable House, from a large mass of evidence from medical practitioners of name and reputation, from prison attendants, and very extensively from those who have suffered as prisoners from its infliction, but who are now at liberty, that it can rarely be employed at the usual rate of exertion for more than ten minutes or a quarter of an hour without causing some or all of the attendant symptoms of a prejudicial excitement and dangerous exhaustion of the animal powers, and particularly so violent and morbid an acceleration of the pulse, as to quicken its beat to nearly double its natural range, raising it from the ordinary rate of from sixty to seventy strokes in a minute, to an average of one hundred and twenty-three in the male, and one hundred and forty-four in the female prisoners, as has been proved by different medical practitioners of high respectability, and is confirmed by a minute entered on the prison journal at Brixton, by those represented to be magistrates favourable to this species of labour, and who therein refer to an experiment made on their own persons; that, together with so baneful an excitement it causes pains and aches in different parts and organs of the body, according to the peculiarity of different constitutions, or the circumstances under which the labour is inflicted; that women, who, from the comparative weakness of their sex, suffer with additional severity, have in many instances dropped off from the wheel in a swoon, have had their natural indispositions profusely and painfully aggravated, sometimes forced prematurely, and at others suddenly and totally obstructed; that when in a state of pregnancy, which, in its earliest and most dangerous stages, is not unfrequently undetected, they are in imminent danger of abortion, of which an instance occurs in the official report from the prison in Coldbath-fields; and that, as nurses, they cannot, without manifest injury and suffering to their infants, as well as to themselves, perform the office of suckling

on descending from the tread-wheel, though they are generally called upon to do so by the cries of their children, exposed in the wheel-galleries to the cold, and confided, while their mothers are performing their turn upon it, to the care of strangers; on all which accounts female prisoners have in many houses of correction been humanely allowed a general exemption from the tread-wheel.

"The petitioners beg leave also to submit, that a familiarity with this labour, instead of rendering it lighter and less mischievous, augments its injurious consequences to the health and strength in almost every instance, as well in men as in women: such effects increasing with the increasing debility of the frame. That the petitioners are aware that a different account of this penal infliction has been given in most of the official communications addressed by order to the home department of his majesty's government; but they humbly beg leave to represent that they are unable to place the confidence they could wish in these communications, not only from the wide discrepancy of their own experience, but from the partial and irregular nature of the reports themselves, which contain no account of the average proportion of labour, of the intervals of its cessation, of the rate of revolution of the wheels, of their dimensions or space between the treadles or steps, though all these circumstances materially influence the nature and effect of the task-work; and which are likewise returned from several places, as Pembroke and Haverfordwest, with the signature of a single magistrate, without any statement on the part of a surgeon, or notice of consultation with him on the subject, although such consultation is expressly directed in the official letter addressed by the secretary of state to the visiting magistrates of the several gaols and houses of correction; while only twenty-one returns are printed, as laid before your honourable House: though it is capable of proof, that at least fifty-three prisons, there are tread-wheels erected, or actually in operation, at the period of official inquiry.

"That the inability of the petitioners to confide in the above reports is not a little augmented by the utter and irreconcilable conflict which exists between their several statements, some of them admitting, by implication, the labour to be of so severe a nature, that the infliction for women has either never been allowed, or has actually been abandoned, or reduced,

both in time and degree, to so short a period, as to leave the greatest part of the day unemployed; while it is elsewhere described, even when maintained at its highest scale, as of so harmless and pleasant a nature, that untried prisoners have expressed a desire to go upon the work, have volunteered to do so, or would be glad to be so employed if allowed. In addition to which, it is contended, that there is nothing in the employment repugnant to common delicacy. All which assertions, your petitioners beg leave to observe, are incompatible with that necessity of a greatly increased diet of meat and beer, which, though accompanied with an enormous augmentation of expense, is now found indispensable in every establishment where the tread-wheel is in use, in consequence of the exhausting nature of the labour as before stated.

"The petitioners beg further to submit, that the only medical committee (as they understand) which has hitherto been consulted by the home department of his majesty's government, has been limited in its inquiry to the effects of working female prisoners on the wheel; and that the report of such committee, in the opinion of the petitioners, recommends what is equivalent to a virtual renunciation of the punishment, by restricting its application, even for the young and robust, to two hours and a half of actual labour daily, and allowing intervals of entire rest to all for a whole week, once in every month, (exemptions unknown to, and unnecessary for healthy females in any of the usual species of hard labour performed by their sex, and which indisputably decide in the affirmative the question proposed by Mr. Secretary Peel to the committee—namely, whether the effects on the female constitution are greater than result from the ordinary occupations of women in the lower classes of society); while the same committee still further recommend a total prohibition of the wheel to the very great numbers who are in any respect infirm or diseased.

"The petitioners humbly represent, that the indiscriminate employment of an ignominious and corporal punishment, degrading to the mind and hurtful to the body of the prisoner, which destroys all due classification, and implies the same kind and measure of infliction to every degree of crime, and difference of age, sex, and habit of life, appears to them equally hostile to justice, humanity, and sound

policy; and that, to subject to the tread-wheel correction, as is done at present, the felon, the misdemeanant, and the vagrant—the robust and the weak—men afflicted with ruptures, and women with infants at their breast, is contrary to every principle of discriminate subdivision and moral improvement, which the general provisions of the statute now before your honourable House for the purpose of amendment are principally designed to promote. That soldiers who have hazarded their lives in defence of their country, and whose feelings of honour, and sense of shame it seems peculiarly important to cherish, form another description of prisoners frequently consigned to the tread-wheel, in pursuance of the orders of courts-martial; and that in the house of correction at Brixton, some of this class of individuals have been actually fastened to the wheel by chains attached to the arm, and suspended from the face-board above the wheel, being from such an extraordinary exercise of severity exposed to the casualties resulting from a false step, or a sudden paroxysm of disease, or exhaustion, by which their limbs, and even their lives, are put in imminent peril, while they are deprived of every possibility of extricating themselves.

“That the petitioners, after extensive and cautious investigation, have reason to fear that the great and important hope at first indulged, that the discipline of the tread-wheel would materially diminish the aggregate of offenders, has completely failed; and that while it is fully ascertained that it promotes no habit of industry or means of earning a livelihood when discharged from gaol, they believe it both hardens the heart and demoralizes the mind, at the same time that it injures and enfeebles the body; and thus, by lessening the means and opportunities of amendment, by preparing the prisoner for crimes of greater magnitude, and rendering him indifferent as to the future, has a natural tendency to fill rather than empty our prisons, and to render them schools of growing crime and desperation, rather than of reformation and moral discipline. And in proof of this, the petitioners refer to the greater number of recommitments, that seem almost uniformly to take place where the tread-wheel is established, compared with those in houses of correction where it is not yet introduced, so as to give fearful and abundant evidence of the resistance opposed in the former to the influence of

that moral and religious instruction which is so wisely and wholesomely attempted to be introduced into the economy of our prison establishments.

“The petitioners beg leave to submit, on the other hand, that Mr. Howard, whose considerations and recommendations of the subject of prison discipline were formerly matter of parliamentary discussion and approbation, has enumerated no less than fifty-eight modes of prison employment, which are capable of being rendered subservient to the health and morals of a prison population, of engendering habits of industry, and consequently of promoting the means by which prisoners may be enabled to provide for themselves when liberated, and thus of carrying into effect the important and salutary remarks advanced by Mr. Justice Bayley in his late impressive charge to the grand jury at the Durham Assizes, in which he says—‘he had always thought that the employment of prisoners ought to be as far as possible so regulated, that they could afterwards obtain a livelihood by it.’ Whilst at the same time it should be observed, that most of the methods of employment alluded to by Mr. Howard, may be rendered contributory to the severest degree of hard labour, in the proper and legitimate acceptance of the term, and will be found sufficiently to weary the workers without wasting their constitutional strength, as has been amply established in various houses of correction, which have had recourse to them long prior to the use of the tread-wheel, and particularly (as stated in the reports of the Prison Discipline Society) in those of Preston, Knutsford, and Maidstone, while the committee of this society has, with great truth and candour, remarked, in their publication ‘On the Government of Gaols,’ that ‘preference should be given to those trades which require hard labour, the knowledge of which may enable the prisoners to earn their subsistence on their discharge from prison’—an observation which is followed by an enumeration of corresponding employments little short of that by Mr. Howard.

“And here the petitioners hope they may be permitted to remind your honourable House, that both the spirit and letter of the laws of our country have, from the earliest times, provided that no infliction of punishment ought to endanger the health of the body, or expose it to casualties, beyond the strict intent and bear-

ing of a prisoner's sentence, inasmuch, that in the statute of the 51st of Henry III., intituled 'Judicum Pillorie,' it is expressly enacted, that the penalty should be fulfilled, 'without bodily peril of man or woman'; while another statute of a date not long subsequent, provides 'that the pillory should be of convenient strength, so that execution may be done upon the offenders without peril of their bodies.'

"While the petitioners thus presume to avow their own humble opinions and conscientious fears, with reference to the adoption of the novel discipline herein objected to, they cannot observe without deep regret, the strenuous efforts which are making to extend its introduction into almost every considerable state of Europe. Whatever, indeed, is connected with the good of civil society, ought not to be confined within the boundaries of a single nation; but before experiments upon this important subject are lavishly recommended to the world, it seems most reasonable, that incontrovertible proof should be furnished, that the benefit of the community is thereby likely to be promoted. It does not, however, appear that the tread-wheel, with all the fostering support it has derived from the well-intentioned society that first brought it into notice, instituted in our metropolis and its vicinity under the auspices of many of the most distinguished characters in the kingdom, has been hailed with an equal approbation by various illustrious foreigners engaged in the same laudable pursuit, and availing themselves of every means of inquiry afforded by the institutions of our own country. The petitioners, in proof hereof, may be permitted to advert to the interesting report on the state of prisons in France, by M. le Marquis de Barbé Marbois, as the organ of a similar society, constituted by an ordonnance of the king of France, of the 9th of April, 1819, and composed of twenty-four members, under the presidency of the Minister of the Interior, the majority of which are peers of France, while the rest are appropriately distinguished by their official stations in the government. Speaking in this report of the application of the tread-wheel, after a minute examination of this machine, by a deputation from the society in France, directly charged to observe its effects in England, and to obtain all practical information from our own Prison Discipline Society, the noble marquis

thus expresses himself—'The introduction of a new kind of torture in France appears to me an evil of greater magnitude than even indisciplinè itself, which demands other remedies. The tread-wheel is a real torment. This is evident from the description given of it; from the acknowledged falls and fractures caused by this machine; and, lastly, from the dread with which it inspires the prisoners. If physicians have been found capable of asserting that this horrible exercise strengthens and preserves health, they have indulged in a cruel mockery.' The distinguished writer of these remarks, who is a minister of state and first president of the 'Cour des Comptes,' also dwells with particular emphasis on the mischief of such punishments as stamp lasting disgrace; and he shows that a very large proportion of crimes is committed by convicts returned from the galleys. 'The degraded man,' observes the noble marquis, 'thinks he has the right to become the enemy of society, because it disowns him.' The appearance of such a report at such a crisis as the present, may be considered as offering in itself an excuse for introducing it before your honourable House; and to none is the value of this royal establishment in France better known or more energetically acknowledged than by our own corresponding institution, expressly organized as it is for the promotion of similar objects, and which in successive reports of its own has placed at the head of its foreign correspondence the proceedings of this very society, with a detailed account of its institution, and various references to the reports it has presented to the Duc de Rochefoucault, together with an antecedent report of the Marquis de Barbé Marbois.

"From the circumstances already adverted to by the petitioners, and none are mentioned but what they consider they have the most satisfactory means of proving at the bar, or in the committees of your honourable House, together with other weighty reasons which press upon their minds, they are themselves convinced of the inefficiency of any discipline founded on a principle of unmixed terror and degradation. They also feel great anxiety in respect to the interpretation of the clause respecting untried prisoners introduced in the bill now before your honourable House, as indirectly sanctioning a mode of punishment, against which,

as magistrates and as Englishmen, they humbly protest, from its inherent evils, mechanical, medical, and moral; and the more so, as the same instrument of terror has, for some time past, been introduced into a considerable workhouse in the country, containing an incorporated aggregation of eighteen parishes; and unless restrained by the interposition of parliament, may be adopted in all such establishments, under the denomination of hard labour.

"And your petitioner, sir John Cox Hippisley, begs leave to observe for himself, that he has individually undertaken, from the obvious exigency of the occasion, and stands also individually engaged to the county in which is his principal residence, for the completion, by prison labour exclusively, of one of the most considerable Houses of correction in the kingdom, situated in the vicinity of considerable manufacturing towns and villages, which are but too often in a state of great insubordination—and of a considerable colliery district, which has more than once called for exertions beyond the ordinary means of the civil magistrate: and consequently, that, should the principle at present so much encouraged and promoted by the majority of the magistracy charged with a visitation of prisons, find any countenance by a concurrent enactment of the legislature, every effort to persevere in the completion of the provincial house of correction at Shepton Mallet, by prison labour, must unfortunately be abandoned: concerning which prison, however, so far as it has advanced, the Society of Prison Discipline has been pleased to affirm, 'That it has afforded many instances of the reformation of individuals—that great benefits have arisen from the instruction there supplied, particularly in respect of juvenile prisoners—that a classification has long been adopted there to manifest advantage, and that many persons have been taught to work as masons, carpenters, tailors, and shoemakers, who are now maintaining themselves by the trades they have so learned.' To this testimony, and which is no other than the fact, the petitioner, who has long been occupied in the superintendence of the said prison, and is yet responsible for the execution of the works undertaken for its extension and completion in the terms of his contract, can add, from long experience, that an adoption of similar measures would be found to save,

in the public disbursements of counties, an amount of expense, which, if particularly cited, could hardly be credited; exclusive of all the advantages hereby derivable to the health and habits of prisoners.

"To render such efforts still more advantageous, and trusting that in the wisdom of parliament, such resources will not be abandoned, the petitioner ventures also to suggest, the great advantages derivable from a re-enactment of the act, chap. 56, of the 24th year of his late Majesty, the practical operation of which has expired, and by which one justice of assize, or two or more justices of the county, might remove any prisoners under sentences, and orders made by one or more justice or justices of the peace at their sessions, or otherwise, upon conviction in a summary way, without the intervention of a jury. If such a power were revived, and extended to convictions, when capital punishments did not attach, it is humbly conceived that great public benefit might result, by the visiting magistrates of prisons being empowered to concert with each other for the arrangement of removals for any of the purposes of the act, passed in the last session for the consolidating and amendment of the several laws relating to gaols and houses of correction.

"The petitioner also having presumed early to solicit the attention of some members of the committee of your honourable House to the restrictive clause, respecting the tread-mill, as it originally stood, ventures further to submit, that some practical inconvenience may eventually arise, should the enactment take place, even as it now stands, on the amendments ordered to be printed on the 15th of April; as, from a cursory reference to the bill, the title will still be found not to correspond with the enactment, nor to have any application whatever to the state of the largest house of correction in this kingdom, namely, that of Cold-bath-fields, where there are no tread-mills, as well as to many other considerable prisons.

"Under these circumstances, the petitioners beg leave to close this intrusion upon the patience of your honourable House, with humbly praying that for the reasons already stated, namely, the utter inutility of the work, as exercised in some places, the pain, the peril, and inequality of the punishment, its impropriety, inde-

gency, and cruelty, in various circumstances and situations, its inefficiency in all, to answer the intent and purposes of correction and reformation, while it debilitates the body, and demoralizes the mind, without inculcating any habit of useful industry, together with its impolicy and illegality, as at present administered—that from the comparatively short period of its approbation as a mode of discipline, the irregular, partial, and discordant communications officially made upon its nature and effects—the particular exceptions and limitations carefully recommended by the medical committee, appointed to examine into its action on one class of the inmates of a single house of correction—and the increase of committals and re-committals in most establishments where it is in use, the tread-wheel may not be sanctioned, adopted, or in any way designated or included in our Statute-book as an instrument of punishment, or means of hard labour or employment of prisoners, without further investigation by your honourable House, and that magistrates be restricted from enforcing its use till such investigation shall be made, and such sanction and adoption on the part of the legislature obtained.

“And the petitioners further pray, that the bill, as at present before your honourable House, may not pass into a law, and that such other relief may be granted in the said matter as to your wisdom shall seem expedient.

“The petitioner, sir J. C. Hippisley, begs leave further to observe, that while the preceding observations were drawing up, an incident occurred which seems to render the present application to your honourable House a duty of the most imperative necessity; and the more especially, as it is now occupied with a revision of the existing Gaol act. Under the 17th section of this act, it is provided, ‘that any Justice of the peace, of any county, or other division, whether a visitor or not, shall, at his own free will and pleasure, and as often as he shall see fit, enter into and examine any prison of such county or other division; and the act requires of him, if he shall discover any abuse or abuses therein, that he shall report the same in writing, at the next General or Quarter Sessions; and that the abuse or abuses so reported, shall be taken into immediate consideration, and the most effectual means adopted for inquiring into and certifying the same.’ In which enactment

it is obvious, from the report being required to be set forth in writing, without any demand of a personal attendance, that parliament designed to provide for a speedy and effectual redress of any known abuses, even in cases in which the magistrate acquainted with them should not be able to be present personally at such sessions, from indisposition, or attendance in parliament, or any other cause.

“Under the authority of this provision, the petitioner, sir J. C. Hippisley, being at the time suffering under much indisposition, reported in writing, to the magistrates assembled in the late General Quarter Sessions of the peace for the county of Surrey, of which county he is an acting magistrate, the existence of certain abuses in houses of correction under their jurisdiction, which, in his judgment, demanded such a report to be made. His report was delivered in due time to the clerk of the peace; and from him he has received a letter, dated the 1st of the present month, informing him as follows:—“I laid your statement, or report, on the subject of the tread-wheel, before the court on the first day of the session, and was proceeding to read it, but the court declined hearing it, on the ground that it was contrary to the practice of the court to receive written statements from magistrates who did not attend themselves. I have therefore returned your paper. (Signed) C. J. LAWSON.” So that while by the penalty of the tread-wheel the magistrates are introducing into our prisons, and even our poor-houses, a punishment unsanctioned by either common or statute law, by the practice of the above court of sessions they are directly contravening a distinct parliamentary enactment. It will hence, perhaps, be felt necessary by your honourable House, that some measure should be adopted to ensure compliance with the enactment of so important a part of the statute, especially at a moment when the consideration of the House is drawn to a revisal of some parts of the act in question.”

Ordered to lie on the table.

IRISH MILITIA.] Colonel *Davies* rose, to move for leave to bring in a bill, to alter the present state of the Militia establishment in Ireland. The expense of the Irish Militia staff, taken with reference to its extent, was rather more than a third greater in Ireland than in great Britain; and, unless a sufficient cause for that

excess of charge could be assigned, he trusted that the House would support him in moving for a reduction. The hon. officer then proceeded to state the items in which he thought a saving might be effected. He did not understand why the appointment of quarter-masters should be continued in Ireland beyond the lives of persons already holding such commission. When ever quarter-masterships fell in, quarter-master serjeantcies only should be kept up in their stead. Nor was it clear to him, when it was desirable to get rid of every expense which could be avoided, that without even the quarter-master-serjeants, the necessary duties might not be performed by the pay-masters. He also objected to the large sums charged, under the present system, for lodging-money, and fuel, for the staff, when there were abundance of barracks in the country standing unoccupied. By reforming the practice upon these two points, by making these two alterations, and cutting down the staff generally as low as possible, 20,000*l.* a-year would probably be saved. He should, therefore, move for leave to bring in a bill, "to enable his majesty to reduce the establishments of the regiments and battalions of the Irish Militia when not embodied."

Sir G. Hill expressed his surprised, if such a motion ought at all to be made, that the hon. and gallant member had delayed it until after the annual provisions had been agreed to by the House. With respect to the proposition of the hon. and gallant officer as to the Quarter-masters, that arrangement had been already made. As to the charges under the head of fuel, lodging, &c. that might constitute a fair ground of discussion in the next session. The staff of the Irish militia during the late war, had been eminently serviceable. By their exertions many thousands had been induced to enter into the general military service of the country. It was hard that many of these meritorious individuals, who had been thus beneficially employed for the public, were turned adrift with their families on a pittance of five pence a-day. It had long been his opinion that they ought to be more adequately provided for. By the regiment which he had the honour to command, between three and four thousand men had been furnished for general service, in consequence of the exertions of the Staff. On the grounds which he had alleged, he should oppose the motion.

Mr. Hume observed, that the main points in his gallant friend's speech had not been touched upon by the right hon. baronet. The charge for lodging, when barracks were standing empty, had not been justified or answered. He was far from agreeing, that the reduction had already been carried too far. On the contrary, he thought that the colonels who had resisted that reduction ought to have been brought to a court martial, and dismissed the service. He was distinctly of opinion, that the letters written upon that occasion would have justified such a course; and he could scarcely wonder at some recent instances of disobedience by officers, seeing that that course had not been adopted. The distress to which men might be reduced who were discharged from the militia, he regretted: although it should be remembered, that the non-commissioned officers, after twenty years' service, had a provision; but the plea of individual distress, however strong, he could not allow to operate; because the same objection might have been applied to a reduction of the army altogether.

Mr. Goulburn justified the reductions which had been made in the Irish Militia, and expressed his surprise at the readiness of the hon. member for Aberdeen to place that constitutional force at the direction of the Commander-in-Chief, rather than the civil power. He eulogized the promptitude with which the militia staff had always stepped forth to the support of government in times of trouble and difficulty.

Mr. Hutchinson acknowledged that the staff of the Irish Militia had, on many occasions, been eminently serviceable. He supported his hon. friend's motion, however, on the ground that he could not see why the Irish staff should be a third more numerous in proportion than that of England.

The House divided—For the motion 10; Against it 26; Majority 16.

List of the Minority.

Fergusson, Sir R.	Maberly, W. L.
Heron, Sir R.	Monck, J. B.
Hobhouse, J. C.	Pelham, J. C.
Hutchinson, Hon. C.	Sykes, D.

H.

TELLERS.

Kennedy, F.	Davies, Colonel.
Lushington, Dr.	Hume, J.

HOUSE OF LORDS.

Thursday, May 6.

KENSINGTON ROAD BILL.] Lord *Holland* presented a petition from Mr. W. Cobbett against the Kensington turnpike bill, then under the consideration of the House. He was himself a friend to the object of the bill against the preamble of which this petition was directed. The gentlemen who signed the petition stated, that the preamble contained several false allegations, and prayed to be heard at the bar against the bill.

The petition—(see p. 497), was referred to the committee on the bill.

NEWFOUNDLAND JUDICATURE BILL.]

Earl *Bathurst* stated, that he had adopted the suggestion of the noble lord (*Holland*), as to dividing the bill into two parts. He agreed that it would be proper to consider that part which related to the celebration of marriage separately. He then moved, that it be an instruction to the committee on the bill to divide it into two. The House having resolved itself into the committee, the noble earl proceeded to state the amendments he proposed to make in the bill relative to the judicature. The circuit courts were to have jurisdiction in criminal and in civil cases. In criminal cases, when no jury could be found, the judge and three assessors were to try the parties accused; but no person was to be found guilty, unless the judge and two of the assessors agreed in a verdict to that effect. In civil cases it was thought proper that the judge should try without any assessor. An appeal would lie from the circuit courts to the supreme court at St. John's. In cases where there had been a jury, the appeal would be confined merely to questions of law. In cases in which there had been no jury, the appeal might embrace both the law and the fact.

Lord *Holland* thanked the noble earl for having adopted his suggestion. As to the amendments, they appeared to be founded upon the best principles. He thought, however, that it would be better to make the assessors perform the duty of a jury, and return a verdict independent of the judge. In civil cases they might be employed to decide upon facts. It was desirable that Newfoundland should have a constitution similar to the other colonies as soon as possible.

Earl *Bathurst* considered Newfoundland by no means prepared for receiving a con-

stitution with houses of assembly, and should oppose any proposition to that effect. With regard to the powers the noble lord proposed to give to the assessors, if their lordships were to advance further than the amendment, it would be difficult to know where to stop. To adopt the alteration the noble lord had suggested, would be to introduce quite a new principle; and if men were to act as jurors, they could not be called assessors.

Lord *Holland* thought, that if the office was of utility in itself, a little ingenuity might enable their lordships to find a name for the persons who exercised it; so that they need neither be called jurors nor assessors.

The amendments were agreed to.

HOUSE OF COMMONS.

Thursday, May 6.

STANDING ORDERS RESPECTING PETITIONS.] Mr. Lawley presented a petition for leave to present a petition to bring in a bill for the purpose of lighting the town of Birmingham with gas.

Mr. *Bright* said, he was anxious to take that opportunity of expressing the strong sense he felt of the impropriety of violating the Standing Orders of the House. The session was drawing to a close, and yet, night after night, petitions were presented for private bills. Nothing could, in his opinion, be more improper than such a course of proceeding, and it was incumbent on the House to put a stop to it. If the practice were persevered in, he should not be surprised if, in a short time, even the ceremony of previously presenting a petition would be dispensed with. Notwithstanding the indifference with which their standing orders were suspended at present, they were watched by our ancestors with the utmost vigilance. He found in Mr. Justice Blackstone an authority in support of this opinion, and at the period of the Restoration, the same constitutional jealousy was observed. Lord Clarendon had strongly reprobated the practice, and pointed out the inconveniences which arose from it. These orders should never be dispensed with, except in cases of urgent necessity. He had intended to propose a resolution on the subject, and perhaps he should still do so.

Mr. *Sumner* said, that next session he would propose a resolution, compelling those who applied to have the stand-

ing orders dispensed with, to show unexceptionable grounds for so doing. The greatest inconvenience was felt by members in consequence; and he believed that, generally speaking, the fault might be traced to the attorneys of the parties.

Sir *James Graham* urged the impropriety of violating the standing orders.

General *Gascoyne* said, that if it was done in this instance, he could see no reason why a similar application should be resisted on any future occasion.

Mr. Alderman *Heygate* said, that in this instance the suspension of the orders seemed to have been called for as a matter of course. There might be particular cases, in which such a step would be very proper, but this was not one of them.

Mr. *Ellice* agreed as to the propriety of some new regulation, but could not see why this particular case should now be opposed.

Mr. *Huskisson* wished the hon. member to withdraw his petition. He decidedly thought that the standing orders should be obeyed. Cases might arise in which strict enforcement of them might be exceedingly injudicious; for instance, in the case of a bridge being swept away, and there being an immediate necessity to build a new one. But this was far from being one of those urgent cases. A feeling seemed to prevail at present, that any scheme, however visionary, would receive encouragement; but the House should not lend its assistance, towards advancing the fanciful projects of any corporation, or any individuals.

Mr. *Bright* said, he would read the resolution which he had intended to propose. It was to this effect:—"That a more strict attention to the Standing Orders of the House with respect to private bills is essentially necessary to the security of the rights and properties of the subject, and that the House will not dispense with them except in cases of accidental occasion, or real necessity."

The petition was then withdrawn.

IRISH ROYAL MINING COMPANY BILL.]

Sir *J. Newport* moved the second reading of this bill.

Mr. *Huskisson* said, he did not know whether this bill was similar in its enactments to some others, all relating to Ireland, that he had seen. One of them, which he now held in his hand, contained some of the most extraordinary provisions

he had ever heard of, and went to produce a very extensive alteration in the law of the country. Amongst all the institutions of this country, all the insurance companies, there were, he believed, but two that were not subject to the bankrupt laws. If these companies wished for a charter, let them petition the king, and then the crown lawyers would be consulted, and the policy or impolicy of the measure fully considered. There were half a dozen companies, some for draining the bogs, others for the purposes of mining, some for granting annuities, another for an equitable-loan company, and what he would propose to say to them all would be—"You may form yourselves into what companies you please; but if you apply for powers, those powers must be limited as in all other cases; you may sue and be sued like all other individuals." In fact, there would otherwise be no fairness. He should, therefore, oppose all bills containing such clauses.

Sir *J. Newport* said, that companies had been incorporated in various instances, and he saw no reason why the Mining company should be excepted. All he wished was, that the bill should be read a second time in the ordinary course. In the committee any objectionable clause might be struck out.

Mr. *Ellice* fully agreed in the general principles laid down by the right hon. gentleman.

Mr. *Dawson* said, he was also disposed to concur in the general principle; but, at the same time, the House could not expect that people would embark their property in speculations, if they were liable for more than the sum they had subscribed.

The motion was withdrawn.

OATHS—PETITION OF SEPARATISTS.]

Lord *John Russell* rose to present a petition from a religious class of persons of Clara and other places in Ireland, denominated Separatists, who felt themselves forbidden by conscientious scruples to take oaths. They prayed, therefore, that the indulgence granted by the legislature to Quakers, should be extended to them; and that their affirmation, without swearing, might be deemed sufficient. From what he understood, the petitioners were highly respectable and moral persons; and he considered it the duty of the legislature to respect scruples founded on conscientious motives.

Sir *J. Newport* spoke from knowledge of the meritorious character of the petitioners, and of the hardships to which, from the law they were exposed. There were instances of some of the most respectable clerks of the Bank being actually driven, after years of service, from the situations they held, because they refused, on conscientious grounds, to take the official oaths.

Mr. *Hume* supported the prayer of the petition. A century and a half had now elapsed since the simple affirmation of the Quakers had been received in courts of justice; yet, in the whole of that period, there had been but one instance of a prosecution for a violation of the truth; as such violation was subject to a prosecution for perjury, the fact was a proof that such affirmation was as binding as an oath. Why should we not follow the example of the United States, and respect in our enactments the conscientious scruples of all denominations.

Mr. *Secretary Canning* fully admitted the respectability of the names attached to the petition, but was at a loss to conceive how they could attach any consideration to the prayer of it, unless the House was prepared to say, that every man who might feel objections to taking an oath should be at liberty to refuse it. He did not wish to argue the question at present, but he could not conceive how any distinction could be taken in favour of the petitioners, which would not be equally applicable to any other parties choosing to decline an oath.

Lord *J. Russell* thought the relief might be given to the petitioners on their assuming a certain designation; but, for his own part, he should prefer a general measure, which would relieve every man who had a conscientious scruple against taking oaths. He wished, however, to ascertain how the law operated in the United States, before he originated any such measure.

Mr. *Spring Rice* referred to the relief given, on similar grounds, to the Quakers, and to certain seceders in the province of Ulster. Besides the inconvenience to the petitioners themselves, the rights of third parties were deeply affected thereby; as the members of this congregation could not take out probate, letters of administration, or any of those civil acts which required the administration of an oath. On what principle could the legislature, which respected, in its courts of law, the

religious scruples of a Hindoo and a Mahometan, refuse a similar indulgence to a most respectable, though a small, branch of the Christian community.

Mr. *J. Williams* observed, that his hon. friend the member for Aberdeen, was quite correct when he stated that there was but a solitary instance of prosecution for the violation of the Quakers' affirmation in the course of 150 years. There was a flagrant inconsistency in the law as it stood, in relation to that very respectable class of British subjects. Their affirmation was valid in civil cases, but it was not admissible in criminal prosecutions. Such an inconsistency ought not to remain, and it was his intention, next session, to introduce a bill to remedy such a glaring defect.

Ordered to lie on the table.

CHURCH ESTABLISHMENT OF IRELAND.] Mr. *Hume* rose for the purpose of submitting to the House the motion of which he had given notice, with regard to the expediency of inquiring whether the present Church Establishment of Ireland be not more than commensurate to the services to be performed, both as regards the number of persons employed, and the incomes they receive. The hon. member observed, that he was well aware that it was a subject respecting which many honourable gentlemen would be much more likely than himself to make an impression on the House. The opinions which he entertained respecting it were well known, and he was well aware that the extensive change which he thought desirable was not conformable to the opinion of the House and the country. He should have been glad, therefore, if any man of more moderate views than himself had undertaken to bring the question before parliament: but, finding that those who were the most competent were not the most willing to undertake the task, he had determined however reluctantly, once more to submit the subject to the consideration of the House. In doing so, he feared he should be compelled to draw largely on the patience of the House, but he assured them, that he would not detain them a single moment longer than was absolutely necessary, in order to place the real nature and situation of the church establishment of Ireland fully before them. He was perfectly persuaded that, up to the present moment, the church establishment of that country had had a more

powerful and fatal effect on its condition and prosperity than any individual would believe who had not looked into the subject so closely as he had done. And here he must be allowed, in justice to himself, to observe, that he had not spared any labour which appeared to be necessary, in order to put himself in possession of every possible information on the question. Of the public documents, he had, of course, made himself master. For local information he had applied to those who were the most likely to know the facts; but he was sorry to say that, after a very anxious inquiry of four years, there were many of the facts on which his information was still very defective. If he was not very much mistaken, however, he thought that even on the grounds which he had it in his power to state, there was not one hon. member present who would refuse to assent to his motion. He had last year submitted to the House a proposition on the subject, upon which considerable difference of opinion had been manifested. Unquestionably he had not changed his sentiments; but he owed it, in deference to the opinion which the House had expressed, to sacrifice a portion of the object which he had formerly had in view, and to endeavour to do some good, although not so extensive a good as he had originally contemplated. No man who had at all attended to the public or to the private history of Ireland, could for a moment doubt the propriety of some alteration in the condition of that country. He believed that, without a single exception, there was no example of a country in so lamentable a state as Ireland, under the British government. In former times, this state of things might have been accounted for, because Ireland was then looked upon as a colony, and so governed. The system might then be expedient: but when we looked back for five-and-twenty years, and recollected the promises which at the period of the Union were held out to Ireland, that its condition should be ameliorated, and then looked to its present state in every department of the government, whether of the church, the law, or any other, we must confess that this was not the change which had been promised them, and that it was far from an amelioration of their condition.

In considering the causes which had led to this unhappy state of affairs, it must be remembered, that they were not one, nor two, nor three, but that they were many,

and that they still operated to keep it up. An hon. friend of his (Mr. W. L. Maberly) had, a few nights ago, pointed out one means by which the predominant evils might be lessened; but although he agreed with his hon. friend as to the important alteration which the introduction of capital into Ireland must occasion, yet he could not conceal from himself, that such a measure would be only a palliative. Still, the mere agitation of the question must produce good, and he believed that its beneficial effects had even already begun. But he would say, that the present state of the church establishment of Ireland, the mode in which its revenues were collected and all the circumstances connected with it, formed a subject of tenfold more importance than that to which his hon. friend had so ably directed the attention of the House. And why? Because it was clear that, however deficient Ireland might be in capital, that capital would never be supplied to her, until she was in a state capable of affording protection and security to its employment. Let the House consider in what way English capital was at the present moment employed. He was in possession of a statement of twenty-seven millions of English money which had lately taken its course to every part of the world. Nay, it appeared to him, that bad as the security of Ireland was for the employment of capital, many loans had lately been granted to various parts of the world, in which they would be much more insecure. There had been loans to Mexico, to Colombia, to various parts of Europe, &c. Of those to liberal and free states he had little apprehension; but he considered the ultimate return of such loans, by countries like Russia, or Austria, or Spain, as very hazardous. But the fact, coupled with the other fact, that capital was wanting in Ireland, showed what the opinion of the monied interest in this country was of the state of Ireland. No fact ought to make a stronger impression on his majesty's ministers than this. It ought to be a lesson to them and to the legislature. He repeated then that palliatives were insufficient for Ireland. Let the House look at the radical causes of the evil. Those causes were principally the state of religious opinion and toleration, the state of the church establishment of Ireland.

In considering what course ought to be pursued with regard to Ireland, he would first advert to what had been done in

Scotland. In the discussions which had taken place last year, much of the tranquil and happy state of Scotland had been attributed to the general establishment of schools in that country. He, perhaps, differed from many who ascribed so extensive a benefit from that circumstance. But, the fact was, that the people of Scotland were blessed with the liberty of being allowed to choose their own religion. If they looked at the state of Scotland at the period when England attempted to coerce the Scotch with respect to religion, as they now coerced Ireland, they would find the state of the two countries very similar. He was quite satisfied that the only means by which Scotland could have been tranquillized, were those which had been adopted; namely, giving to that country the enjoyment of that religion which was the religion of the great majority of the inhabitants of the state. When to that measure the general establishment of schools was added, the present condition of Scotland might be said to have been in a great measure insured. By a parity of reasoning, if the same means were adopted with respect to Ireland, the same happy results would follow. Of this he was as certain as that he breathed, that if the people of Ireland were placed, with respect to the subject in question, on the same footing as the people of Scotland, they would exhibit the same loyalty and the same peaceable demeanour. What was the benefit derived from the present system of maintaining a church establishment in Ireland, opposed to the religious opinions of the great majority of the people? For what purpose was this done? To preserve loyalty in the country? God forbid, that such a thing should be supposed. The Irish had never shewn any disloyalty towards government. They had only expressed their dissatisfaction at the state of things in which they lived. What was to be apprehended from adopting the same course with respect to Ireland, that had been adopted with respect to Scotland? He had turned the subject over and over again in his mind, and he could not see why, in such a case, it was likely that Ireland would be less kindly disposed towards this country, or less disposed in itself to peace and good order. The natural disposition of man was to be quiet; and not to resort to acts of violence and rebellion. All the great changes that occurred in history were the result of oppression and misgovernment.

If Ireland were placed on the same footing as Scotland; if the Irish had their own priests and paid them, and were not compelled to pay the clergy of another church, order would soon be established in that country; and English merchants and manufacturers would cross St. George's Channel with millions and millions of capital, to its infinite benefit. Let those who doubted this tell him whether the Irish, in every other part of the world but Ireland, were not as useful and as industrious as the natives of any other country in the world. He had had frequent opportunities of observing them out of their own country, and he had always found them singularly active and persevering in the pursuit of their respective objects. What reason could there be, therefore, to suppose that the vast accession of capital which, under the circumstances he had described, must flow into Ireland, would not be followed by all the benefits that resulted to a country from its possessing a well-employed population.

He had endeavoured to satisfy himself as to the situation with regard to religion of many of the continental states. He found in some that the religion of the court differed from that of the people, and yet there appeared no disturbance, no insubordination, no clashing of interests between the professors of the one religion, and the professors of another. On the contrary, the greatest harmony, because the greatest equality, prevailed. He had procured a list of the tolerant and intolerant governments; amongst the latter of which he was sorry to say England ranked. Amongst the intolerants Spain stood first. In that country no man could hold office or place of trust or emolument unless he were a Roman Catholic; next came Portugal, in which was the same regulation; Italy was the third, and he called upon any man to look upon what the situation of these three powers was at the present moment. There were two others, namely, Denmark and Sweden; in which countries, however, though such was the law, it was evaded; so that in looking around for those who kept us in countenance in our intolerant system, we found that Spain, Portugal and Italy were our great and holy Allies. But he would put it to the House whether they were prepared to act in furtherance of such a system, and in co-operation with such powers? Then came a list of the

tolerant states, at the head of which stood the United States of America. In that country all men, no matter what their religious opinions, were placed upon an honourable equality. Every man had the highest employments open to him, no matter, whether a native by birth or a native by law, after the lapse of a certain time—no matter what his employment, or what his creed. And, what was the consequence of this? Did his majesty's ministers imagine, that, in talent, in wisdom, in power, or in energy, the councils of the United States yielded either to Spain or to Portugal, or to Italy, or the only other intolerant nation? But he would not fatigue the House by entering into a comparison of the kind. It was enough for his present argument to find that the government of America was not worse in consequence of this universal toleration, to prove that they ought to give so large a portion of their fellow subjects, an opportunity of shewing, that they were deserving of an equality of rights and interests with their brethren of different persuasions. That a persecution and an exclusion existed with respect to the Roman Catholics of Ireland, was known to every man who knew any thing of that unhappy country. One instance amongst many he would mention. A Roman Catholic gentleman of respectability, with a large family, obtained an appointment for his son in the Excise. Glad of such an opportunity of getting forward, the young man proceeded to the Excise-office, and there his ardour was damped, and his hopes blighted, by his being told, that he being a Roman Catholic, could not be allowed to fill the appointment! This was but one of many hundred instances of the kind which might be adduced; but it was not necessary. If this one fact stood alone, it would be enough for his argument; as it would shew the system of exclusion which had for years run through every department in Ireland. Every corporation, every place of honour, or emolument, was closed against the Roman Catholic upon the same grounds.

Now, he called upon the House to consider, what had been the result of this system of exclusion and degradation? Year after year, they had been called upon to suspend the Habeas Corpus act, to enforce Insurrection acts, and to place that devoted country under all the horrors of martial law. These were the effects which had been produced. No man with

his eyes open could deny them. No man who looked into the public journals could conceal from himself the fact, that daily and nightly atrocities were the consequences of such a system—that there was—strongly irritated feeling on the one hand, and powerful coercion on the other. Was this system to be continued? Was Ireland to be kept for ever in a state of degradation, and, therefore, of insubordination? Surely his majesty's ministers must see, that whatever might have been the political feelings of our ancestors, acting in different times and under different circumstances; who, driven by the atrocities of Catholics when the Catholic religion predominated, and smarting under the cruelties which had been inflicted upon them, felt it necessary to enact severe and retributive laws; surely, he said, whatever might have been the feelings of such men at such times, there was nothing now existing which could warrant the continuance of such measures. No argument urged at the former period could be considered as of weight in the present day. The time had at length arrived when it became the duty of the legislature to free the Catholics of Ireland from the shackles which their ancestors had found it necessary to throw around them, but which it was disgraceful they should wear in the present day. His majesty's government was bound to try any system which was calculated to bring about a change in the affairs of Ireland; for no change could take place for the worse. According to all the accounts, there was nothing but fire and sword in the South of Ireland; no man could retire to rest without the apprehension of having his house attacked and broken into, and perhaps himself and family murdered before morning. They had heard much of the evils arising to the country from absentees; but, good God, what man who could avoid it would reside with his family in a country where neither person nor property was safe? Let his majesty's ministers adopt the course which he now proposed, or some other course likely to afford equal relief, and if the people of Ireland did not avail themselves of the relief held out to them, he for one would be foremost in arming the executive with sufficient power to repress that discontent and insubordination, which, it would then appear, could be repressed by no other means. But he entertained no such fear. The people of Ireland were a shrewd,

intelligent race, and would seize upon every opportunity of bettering their condition with the highest satisfaction. Why should not ministers follow the example of America, of France, and of Russia, All those powers were tolerant, and they benefited by their toleration. Austria, Bavaria, Wurtemberg, and Saxony, were all tolerant states. There were no religious disqualifications in any of them, and yet their subjects remained in a state of quiet and content; at least there were no religious dissensions amongst them. Why, then, should such a system be continued in Ireland? Ought not the legislature to place so large a portion of their fellow subjects at least upon a footing with the subjects of monarchs whose states he had just mentioned? It was injurious to the character of this country, to suppose that any injury could arise to it from such a change. He was aware that there were points of his argument, upon which gentlemen opposite would not agree with him; but, if it was admitted, as it must be admitted on all hands, that the situation of Ireland was such as he had described it, that was sufficient to warrant an inquiry, as to whether the evils arose from the causes which he had pointed out.

When he and other honourable members had urged these topics on former occasions, they were met by objections to which he would now shortly advert. And first it was stated, that his majesty having taken a sacred oath at his coronation not to alter the religion of the country, it would be a violation of that oath to sanction a measure like the present. To which his answer was, that the joint consent of the king and the people was sufficient to alter any law, when the public good required it. If such an objection was worth any thing, it went to this—that the king having at his coronation sworn to support the laws, any alteration of those laws would be a violation of his majesty's oath! And yet this was the argument set up in opposition to what they saw every day—namely, the alteration of some, and the total repeal of other laws, found inconsistent with the welfare of the community. Again, it was urged, that the church was possessed of property, to which it had as much right as any individual had to his private property. True, but then he wished to know who or what was meant by “the church.” Did they mean the

clergy or the people? When any man spoke of the army, he did not mean the officers but the great mass of the community who composed it. So he considered it to be in speaking of the church, a person so speaking must mean not the clergy but the community who belonged to it. If any honourable member had any other interpretation of it to give, he should be most happy to hear it. If this then, was admitted, he asked for what reason was it that there was in any country any particular church establishment, if not for the benefit of the whole community? As far as his own opinion went, he should be glad to see Great Britain placed upon the same footing as the United States of America in this respect. But this was a subject upon which he did not mean to enter, as it interfered with ancient opinions and long established usages. He might, however, be permitted to ask, why it was, that the English people had changed the religion of the State from Catholic to Protestant? Even this was not a solitary instance. Every one knew what had been done in the reign of queen Mary, and after her time. In fact, the religion of the country had for a considerable time wavered, and this or the other sect was up or down, as the supporters of each were in or out of power. This was sufficient to shew that the legislature had a right to alter the religion as well as the laws of the country, with the consent of the people; and that if the people now thought the Catholic religion preferable, they had a right to establish it as the religion of the state. Why was the religion of the country changed to Protestantism, but because that religion was considered most beneficial to the state? Then he asked, whether the established church of Ireland was the religion most beneficial to that country? And if not, as he maintained it was not, the objects and intentions of government in establishing it at the time of the Revolution were not carried into effect. For if they looked to the acts of king William, they would find, that had he had proper time, he would have placed the Catholics of Ireland upon the same footing with the Protestants. It appeared from the copy of a proclamation of that monarch, that had the siege of Limerick lasted but one week more, he would have done this. Such was his general opinion with respect to religion. In his orders to the

authorities of Scotland he said, "You must pass an act establishing such a church government as will be most agreeable to the wishes of the people." Now, if his majesty had been afforded time, was it not fair to conclude that he would have dealt out a similar meed of justice to Ireland? Why was this not done now? Why had it not been done long ago? Was it that there existed some overwhelming dread, that the power and the interests of the few, that the large dominion now in the hands of individuals, would be absorbed by the many? His majesty's ministers had of late, much to their honour, acted with great feeling and he hoped they would advocate his side of the question, when he maintained that the interests of the many ought to preponderate over the interests of the few. He asked whether Ireland was to be governed for the benefit of the few or the many? he hoped the latter. He hoped that as we had returned to sound principles of commerce, we should return to sound principles of legislation. That something must be done was evident. It was impossible to rule a country at the point of the bayonet. He was surprised that it should have lasted so long. He was convinced that it could not last much longer. The people ought no longer to be left either the victims or the perpetrators of violence and outrage. It was time that some steps should be taken to bring those within the protection of the law, and into the enjoyment of its privileges, who had hitherto been treated as aliens to the constitution, and who would feel most grateful for the favour of an equal participation in its blessings. By doing this, they would not only produce peace and tranquillity in Ireland but they would afford an opportunity of extending to it a great proportion of that capital which was at present stagnant here, but which could be there employed to general advantage. He implored his majesty's ministers to grant this to the people of Ireland, if not as an act of justice, at least as an act of policy. They were called upon by that holy Book upon which their religion was founded, to do unto others as they wished others should do unto them. If, then, they wished to act as Christians—if they wished to be considered as men acting up to their professions, he implored them not to keep six millions of their fellow subjects in a state of degradation and debasement.

Let them not draw too tight the bonds by which those unfortunate men had so long been bound. A time must come, and that shortly, when such a system must have an end. There was a point beyond which human suffering could not go. Let the House then now resolve to grant, as an act of favour that which the oppressed Irish had a right to claim as an act of justice. He would ask any man around him to give a moment's impartial consideration to the case. He would call upon himself to change the case, and for a moment imagine himself the persecuted and degraded Catholic, and then put his hand upon his heart and declare that he should be satisfied with such a state of things? If any hon. member would do this, then he (Mr. H.) had not another observation to offer; but, until this was done, until he saw gentlemen saying that they could feel satisfied and happy under the privations of the Roman Catholics, he must continue to assert, that those privations were disgraceful, unjust, and calculated to foster discontent and insubordination in that country.

It was well known that Ireland, like other states, had, in the progress of time, undergone great changes, both in a political and a religious point of view. According to the account of bishop Boulter, it appeared that, in 1733, the proportion of Catholics to Protestants was as four to one. This was, as it were, but a little while ago; and yet the Catholics, without any law to support them, without any fostering hand to assist their progress, had gone on increasing beyond all conception. This was a warning to the government. It shewed them, that that body could not be depressed; that they must be admitted to the blessings of the constitution, or else they must be exterminated. Indeed, the facts of themselves were sufficient to justify the introduction of a change; for, while the Roman Catholics increased in such a degree, the Protestants, protected as they were by the state, having every advantage which wealth and power could give, possessed an exclusive clergy of 1,289 persons—having four archbishops, 18 bishops, 33 deans, 108 dignitaries, 178 prebendaries, 52 vicars choral, and 107 rural deans, 512 minor canons, &c. This list he had taken from the "Clerical Guide," which was of course correct. Here, then, was a permanent staff in the church, which, if possible at all to support it, was sufficient

to support any establishment. For what purpose so large a body was kept up, he was at a loss to understand. If they belonged to a church of from fifteen to twenty millions of persons, they might calculate the staff as proportioned to the body; but for a church of 500,000 persons, why, it afforded a spiritual serjeant for every ten men [a laugh]. And yet, what was the result? Out of a population of seven millions, there were no more than one million of Protestants, one-half of whom belonged to the established church, and the others were Dissenters. Such were the results, notwithstanding the numbers, and enormous revenues of the Protestant clergy. Adam Smith said, "if you wish an idle and inefficient clergy, pay them well; if you wish an active and industrious clergy, give them barely sufficient for their wants." Now, with the enormous staff of Protestant clergy in Ireland, and their more enormous revenues, it was found that the proportion of Catholics to Protestants had increased from 4 to 1 to 14 to 1!

He now came to the revenues from which this staff derived their pay: and here he begged to assure his majesty's ministers, that, if he was incorrect, it was solely because the best sources of information were closed against him. He had a short time ago received three letters from Ireland, and it was curious that, though coming from different parts, they all agreed upon one point; namely, that it was impossible for any private individual to obtain information as to the real value of church livings in Ireland. This was sufficient to account for any error into which he might fall upon this part of the subject. According, however, to the best calculation which he had been able to make, there were church lands which, if rented out as other lands were, would let for 2,500,000*l.* There were fourteen millions of acres in Ireland, of which the clergy held two-elevenths, and taking Wakefield's proportions, and the average value of property in the different counties, it amounted to the above sum. No matter, then, whether this sum went to A. B., the bishop, or C. D., his son, or nephew, or other relative who held under him: some one belonging to the clergy got that which belonged to the church. Adding to the two millions and a half the average sum produced by 1,289 benefices at 500*l.* a year each, the appointments would make a sum of 3,200,000*l.* According to

Wakefield, the proportion of Catholics to Protestants, in Waterford, which in 1733 was as forty to one, had increased to one hundred to one. In some parishes there was not to be found a single Protestant family; while in several others there were only two or three. It would appear that the clergy had adopted the principle of the Commissioners directed to establish schools in Ireland, and asked, "what use is there of churches if we have no congregations?" as others did "what use is there of schools if we have no scholars?" It should be recollected, however, that there were times when the most hardened persons with respect to religion, felt repentance and compunctious visitings, and that upon such occasions, if they could not go to their own, they would fly to the Roman Catholic Church. Thus it was that the Catholics daily added to their numbers. The Protestant Staff might be reckoned, in addition to the 1,289 benefices, to consist of 1,500 more, including 600 curates.

He now came to the situation of the Roman Catholic Establishments. He found that in Ireland there were twenty-six Catholic Bishops living upon small salaries, of from 300*l.* to 700*l.* a-year. Some of them so small, that the bishop frequently retained a parish, the duties of which he performed like any other parish priest. Here the Roman Catholics had four bishops more than the Protestant Church. The Catholic priests, including parish priests and assistants, amounted to 2,500; and, if they allowed 1,500 clergy for 500,000 Protestants, surely 2,500 priests could not be considered too large an establishment for six millions of Roman Catholics. He believed, in mentioning this number, he had stated the outside; and as to their fees, made up as they were of small, and for the greater part gratuitous sums, it was impossible to state more than that they were generally very small. Notwithstanding which they were as charitable as their circumstances would allow; and the way in which they carried their point was by their assiduity and attentions to their flocks. Those who had large stipends were inclined to be idle; those who were limited to small salaries were stimulated to activity and zeal in the performance of their duties. To this it was that he, in a great degree, attributed the great increase of the Roman Catholics; and he asked, whether this was not in itself a sufficient ground of inquiry, as to what had been done, as well as what it was ad-

visible to do at present? Another point to which he wished to call the attention of the House was this. It was the opinion of bishop Warburton, a celebrated friend of the church, that "when there are several religions in a state, the state should naturally ally itself to the largest." That was to say, the state should give such religion its support and protection. But there was Ireland, a country, six-sevenths of whose population were Catholic, and yet the state, so far from allying itself with, was opposed to them. The opinion of Dr. Paley, upon the same subject, was as follows—"It is the duty of the magistrate, in the choice of the religion which he establishes, to consult the faith of the nation, rather than his own. If the dissenters from the establishment become the majority of the people, the establishment itself ought to be altered or qualified."—They were now come to that point. If ever there was a time, when such an act of justice ought to be done, it was the present. As to making proselytes of the Catholics, it was out of the question: no man could now entertain a hope of that kind: would it not, therefore, be wise to attend to what Paley and Warburton said, and make the religion of the Roman Catholics be the established religion of Ireland? Would it not be wise to open to them the employments and emoluments of the state? No man of liberal opinions could oppose himself to the wisdom, the expediency, or the justice of such a course of proceeding. And he would put it to the House whether the vast alteration which time had made had not rendered such a step necessary? Let the House, then, as the grand inquest of the nation, at least enter into an inquiry into the grievances existing in that country, and the causes of, and remedies best to be applied to them.

Much had been said respecting the manner in which the clergy of the Catholic and Protestant religion discharged their duties in Ireland. For himself, he must say, that upon inquiry, he had found the Protestant clergy very deficient in that respect, compared with their opponents, if he might so call them, the Catholic priests. In speaking of the clergy of the established church of Ireland, he begged to be understood as not making any invidious comparison between that church and the church of this country. His only object was, to place his facts clearly before the House. According to a return on the

table of the House, it appeared, that the number of parishes in Ireland having benefices was 2,224. Of these, 1,391 were in the gift of the bishops. In the gift of the Crown, the number was 293: making the total number of benefices in the gift of the Crown and the bishops, 1684. In lay hands there were 367 benefices, and the universities possessed 21. There were also 95 inappropriate and vacant, and without churches or incumbents. Making a total of 2,167. The return did not state how the remaining benefices, 77 in number, were disposed of. In 1818, the total number of incumbents was 1,289. Out of this number 758 were resident, and 531 were non-resident. The non-residents, therefore, formed a considerable portion of the whole number of incumbents. When it was recollected that every Catholic clergyman resided in his parish, no person could be surprised at the great increase which had taken place in the number of Catholics within the last half century.

Without tiring the House with any detailed remarks upon such an extensive patronage allowed to remain in the hands of the bishops, he would content himself with observing, that it was a system which loudly and imperiously called for a revision. In looking to the numbers of resident and non-resident clergy, he would take the last volume upon that subject which had been laid on their table. He first came to the dioceses of Waterford and Lismore. He there found that there were—resident 4 rectors; absent, 19 do—resident, 13 vicars; absent, 13 do—resident, 1 curate; making in the whole, 18 resident, and 32 absent clergy; of these there were many pluralists, holding some two, some three, and more livings. He mentioned this case only as one instance out of many and what he had to state of this single county, ought to be enough to satisfy the House as to the necessity of inquiry. In 1766, the number of Catholic families in Waterford, as appeared by the returns of Mr. Wakefield, was 16,519, and between that year and 1792, they had increased to 108,625. The Protestants, in Waterford, in 1766, were only 2,879, and before 1792 even this small proportion had dwindled to 1,375. Yet, for the religious instruction of these 1,375 Protestants, there were no less than fifty benefices, extending over the whole of the county. Did not this comparison of numbers of itself form a ground for concurrence in the motion?

Suppose all the Protestants should, in time, disappear from the diocese, was it still to be pretended, that fifty clergymen ought to be maintained, who would have no duty to perform? The comparison in Ireland was now, one Protestant to fourteen Catholics. In time, it might be one Protestant to forty, fifty, or sixty Catholics; and, while this diminution clearly shewed the worthlessness and inutility of the church establishment would any man be so hardy as to insist that that establishment ought to be preserved, at an expense of nearly three millions sterling? [hear, hear!]. To every thing there must be some limit; and, availing ourselves of past experience, surely [it was high time to begin a reform of the system. It was not yet too late, whatever it might be soon. There was plenty to be done, plenty of materials, and a rich harvest might in time be reaped, if the proper mode of cultivation were employed. In the first instance, it would be necessary to commence by deep ploughing and breaking up ground that had long been untouched.

There was another important point to which he would direct the attention of gentlemen; without troubling the House with too many particulars, he would select a few examples of parishes in which Catholics formed the whole, or nearly the whole population, and where the tithes were paid to clergymen who did not reside or had no duty to perform. He had a list of the parishes in the north-west quarter of the county of Cork, those which of late had been particularly disturbed; and where the irritation had been mainly excited by the exaction of tithes. It had been said on a former night, by an hon. friend, that Ireland differed from other countries in this respect—that, if local disturbance occurred, it was followed by general disturbance—that the fire spread in various directions. This was true. But why was it true? Because the people at large were prepared for disturbance by discontent produced by ill-treatment. The whole country was like a train of gunpowder, ready to explode the moment a spark fell upon any portion of it. Thus it must continue, until the causes of discontent were removed; and one of those causes and a chief one, was the tithe system. In the parish of Ballyvourney, a great part of which belonged to the hon. member for the city of Cork (sir N. Colthurst), there was neither glebe, glebe-house, resident cler-

gyman, church, nor a single Protestant, [hear, hear;] Yet the tithe exacted from the Catholics was from 500*l.* to 700*l.* a-year. Such a state of things must compel the people to think. They must form their own opinions, and must feel that every shilling of tithe they were obliged to pay without the performance of a single religious duty, was nothing short of robbery [hear, hear!]. He declared most solemnly that if he were in the situation of the unhappy Catholics of Ballyvourney, such would be his feeling and conviction. He could not help it. He should hold it to be his duty to do what he could to resist the continuance of such a system: and unless he could divest himself of human reason and human feelings, he could not help resisting it [hear, hear!]. Could it be wondered, then, that the peasants, the cotters, as they called them, should be so combustible, the moment the smallest spark was dropped among them? The parish of Torne-drummond contained only one Protestant family and paid a tithe of 700*l.* In Clondrohid the Protestant families were three or four and the tithe from 900*l.* to 1,000*l.* The case of Ahabollog and Donoughmore was nearly the same; while in Inniscar, for three or four Protestant families, the tithes were no less than from 2,000*l.* to 3,000*l.* a-year. Thus, it appeared, that the Catholics in seven parishes paid not less than 7,000*l.* every year for the performance of divine service to not more than eighteen or twenty families. The people were charged with the payment of tithes for clergy, from whom they did not receive the smallest assistance; and frequently where they had neither clergyman nor church, they were called upon to pay for the building of churches in other parishes. This was an additional cause of irritation, and it was impossible to expect any people to bear it.

If the church ever expected to prosper it must be reformed, and one great reform must relate to pluralities. They ought, under no circumstances, to be allowed; every benefice ought to be separately filled. He was satisfied, that if the service of religion were properly discharged, the nation would never be backward in giving clergymen an ample remuneration. Excuses and reasons without number were always offered for pluralities, and why clergymen should not live upon their benefices. The privileges of Peers were spoken of. Peers required chaplains;

but three, four, or five chaplains were out of the question, and there were instances where the appointment of chaplains was made without the individual having ever been seen. It was alleged, that some livings were not worth having. He would take upon himself to deny the assertion. There was no living in the gift of any bishop, in this country or in Ireland, which competent persons might not be found gladly to accept. Certain duty was to be performed; and the patron ought to select an individual qualified to discharge it. He had been assured by a clergyman of the utmost respectability, who had made the church and its institutions his study, that there was not even a benefice of 10*l.* a year, on which individuals properly qualified might not be found to reside. The trial, indeed, had never been made; but the reverend gentleman to whom he alluded challenged it, and was satisfied that the result would confirm his opinion.

He would now proceed to state only a few instances of pluralities; for if he were to go through them all, he should detain the House the whole of the night. On this part of the subject he had availed himself of the "*Ecclesiastical Register*," Dublin edition, of 1820, which was published under a certain degree of authority. The rev. Robert Alexander was archdeacon of Down, and register of the consistorial court; he held a union of four rectories and vicarages, viz; Hillsborough, 4,000 acres; Drumbo, 5,000 acres; Drumley, 1000 acres; and Killelief, 1,391 acres. It all belonged to the corps of the archdeaconry. And here he might observe, that the opinion he entertained of the inutility of deans, prebends, and in fact the whole of the ecclesiastical staff, with the exception of one or two, had been held many years ago by a man not likely to be suspected of entertaining opinions hostile to the established church. He alluded to lord Dartmouth. But before he read an extract from the 5th volume of Burnet's History containing the opinion of lord Dartmouth, he wished to remark, that three individuals who had died primates of Ireland had come to their dioceses with scarcely any property, and had yet left behind them not less than 800,000*l.* Their names had been given to him, and he had expected to have received an extract from the probates of their wills; he had applied for it, but he had not yet obtained it. If he were in error, he was therefore not to

blame. He confidently believed his information, and he would put it to any man, however biassed, whether a system ought to continue, under which three individuals could thus enrich themselves, at a time when such extreme distress prevailed in Ireland, that it had claimed the sympathy and obtained the benevolent assistance of this country? Could any man satisfy his conscience, and quietly witness such an enormous accumulation of the property of the people under any, but especially under such circumstances? Thousands and tens of thousands were heaped together by the clergy, while the mass of the nation was literally dying of starvation. Lord Dartmouth's observations upon deans and chapters were these:—"We hear much of the poverty of some of the clergy, but nothing of the wealth of others; but take it on the whole, and no christian church has a better provision. If the lands belonging to deans and chapters, who are of no more use, either to the church or the state, than abbots and monks, were divided among the poor clergy in every diocese, there would be no just reason of complaint unless that bishops' daughters would not go off so well as they do now, with a good sinecure; and if bishops themselves were brought to an equality of revenue, as well as function, it would prevent the great scandal given by commendams and translations, that are daily increasing. But it is to be hoped, that the legislature will think proper, some time or other, to put them under a better regulation" [hear, hear!]
—These were the words, be it remembered of a Tory anxious to support the church not the speech of a Radical desirous of pulling it down. He would leave it to the Peers of England themselves, or to the Commons of England, putting their hands upon their hearts, to say, whether such a state of things ought to continue. He would willingly rest the issue of his motion upon the result of that conscientious appeal. The time was arrived when the evils of Ireland demanded a remedy. Those who ought to be the props and stays of the church, would, in fact, be its ruin and overthrow; amassing, as they were, such princely fortunes, yet shewing the most niggardly parsimony where they ought to be most liberal. When he saw such paltry conduct as had been exhibited by the bishop of Derry, who was in the receipt of 15,000*l.* or 20,000*l.* a year, respecting the repairing of a cathedral, he could not conceive what the Irish govern-

ment or the church itself could be about. Did they suppose, because the public had hitherto borne with them until their patience was nearly exhausted, that therefore they would be allowed to go on as they had hitherto done with impunity? It was impossible that such a state of things should continue. To use the words of lord Dartmouth it was a scandal to the church and to parliament. Unless the House instituted an immediate inquiry, it would abandon its duty; for it was of the highest importance that the church should be rendered honourable in itself, and productive of advantage to the community.

He wished to render the archdeacons useful, and that they should reside upon their livings. He would state one or two commendams, that the House might judge of them. The rev. Robert Alexander had one or two vicarages in Ossory, and was non-resident, had no church and no curate. He had also a third living, where he was non-resident, and had no curate. In Cashel also, the union was made in 1789, long after the evils of unions and pluralities had been pointed out by Mr. Grattan and others. The public were also much indebted to the right hon. baronet, (sir J. Newport) for his exertions upon this subject. The very rev. Richard Allot, dean of Raphoe, afforded another instance. Raphoe was a rectory and a vicarage, and the extent of the union was altogether 10 miles by 7; he had a curate at Raphoe at 75*l.* a year; another at Kiltreevock at the same salary; and a third at Kelligarvan also at 75*l.* a year. The same clergyman was vicar choral of Armagh and chancellor of the Dublin diocese. The rev. Gilbert Austin, of the Dublin diocese, was vicar of Maynooth and prebendary of Cloncamery in Ossory; he had five vicarages united in 1782, with one church, and one resident curate with 75*l.* a year. The rev. J. Bingley had four vicarages and a rectory, three churches, and three curates. The hon. and rev. Joseph Bourker had eight rectories and vicarages united in 1804. The rev. James Hamilton, in the diocese of Meath, was in much the same situation. But he would not fatigue the House by going into further details of the kind, which had been extracted with great care and accuracy.

He was confident that he had already stated sufficient grounds for his motion, but there were one or two other points well worthy of consideration. He had

now to accuse the Protestant archbishops and bishops of Ireland, of not doing their duty—of downright and culpable neglect, which he was ready, if necessary, to prove at the bar. There was an act of parliament in force, which provided, that if an individual be appointed to a benefice where there is no glebe-house, no means of residence, if the income amounted to 150*l.*, he was bound to take measures for erecting one before the expiration of two years of incumbency. Much of the non-residence had been imputed to a want of places of residence, and against this excuse the act wisely guarded. Now, he had a list of 20 or 30 benefices where no glebe houses had been erected after ten and even twelve years incumbency. Was not this a point that required investigation? Here was the disobedience of a positive law; and it was fit to ascertain why it had been disobeyed. The number of benefices with the cure of souls in Ireland, under one return, was 1,270; the number of churches was 1,140; the number of benefices without churches, 192; the number of unions, 453; the number of glebe houses, 717; the number of benefices without glebe houses, 529; the number of benefices without glebe lands, 343; the number of resident incumbents, 763; and the number of absent incumbents, 507. It became, therefore, important to ascertain, why the bishops had neglected their duty; more especially as he was informed, that a bishop, now in Ireland, since the introduction of the bill to enforce residences, had given away two livings, where the incumbents could not possibly reside. In a few days, he expected to be furnished with the papers upon this point, and in the mean time, he was assured that the fact was as he had represented it.

He would now proceed to another reason which he thought strongly recommended the inquiry he sought for. A curious circumstance had occurred of late, in which the Irish government was much to blame, having acted contrary to its duty, and encouraged the evil which it ought to have checked. Having made this charge, he would endeavour to prove it. It was well known, that there were such things as first-fruits, and that the sovereigns of this country, in order to equalise and improve the value of livings, had made them over to the church. He wished to call the attention of the House to what had been the practice with regard

to first-fruits, and in this instance only he would institute a comparison between England and Ireland. The right hon. baronet below (sir J. Newport) had moved for various returns upon this point, to which ministers would have done well if they had attended. In his (Mr. H's) opinion, the church of Ireland was twice or three times as rich as the church of England. What, then, had it done with its enormous revenues? He could not help thinking that dean Swift was a wiser and a more far-sighted man than the ministers of our own day, and his name was connected with the first-fruits of Ireland. When the first-fruits were given to the church of England, application was made to the minister, Godolphin, to procure the same concession for Ireland. Swift was employed to negotiate, and he was told by the minister, that it would be of no use to give the first-fruits to the church of Ireland, because they would not be applied to the purpose for which they were intended. However, Swift succeeded after some persuasion, and the first-fruits were granted to Ireland. It ought to be recollected, however, that there was a difference between the cases of England and Ireland in this respect. In England the Crown reserved the tenths; but in order to assist the poor clergy of Ireland more effectually, the tenths (or, he believed, more properly, the twentieths) were given up with the first-fruits. The graveness of his charge against the government was this. The first-fruits were fixed and valued in England, and it was provided that they should not be revalued; whereas, in Ireland it was expressly reserved, that they should be revalued from time to time. Three years ago, when he first brought forward a question regarding the church establishment of Ireland, it was seen, that the clergy had paid from year to year their miserable pittance—he called it a miserable pittance, for it was nothing less than a robbery, by the rich dignitaries, of the poor curates. The first-fruits were given, not to maintain the splendour of those who had already too much, but to provide subsistence for those who had too little. The dignitaries had not done their duty in this respect: they had done any thing but their duty; they had themselves become the robbers, the violators, and the spoliators of the church, which he was some time ago accused of having so needlessly and wantonly attacked. What was called an

attempt at spoliation on his part, was, in fact, only an attempt at doing justice to the wronged; and that proceeding had had the effect of disclosing some matters of importance connected with this question. It appeared by the returns, made on the motion of the right hon. baronet, that eleven changes had taken place within the last seven years. Eleven bishops had been appointed; and, what did the House suppose the first-fruits on those appointments amounted to? Perhaps 30,000*l.* or 40,000*l.* would not seem an extravagant calculation on Irish bishopricks, producing from 5,000*l.* to 18,000*l.* a year. Would the House believe, that the whole contribution of eleven Irish bishops, to the poor clergy, by the benevolence of the sovereign, in the way of first-fruits, was only 910*l.* [cheers and laughter]? Of all mockeries ever disclosed this appeared to be the most splendid; and he maintained that the government had been guilty of a gross breach of duty, if not worse, in allowing it. He would first show how the valuation stood: and here he did not pretend to go into the valuation of benefices throughout the country, as they must, of course, be imperfect, and, if correct, would lead him into too wide a field. He would compare only the bishoprics; and, this should be the only comparison he would make between England and Ireland. The archbishops and bishops sees in England were valued to the first-fruits in the king's books at 21,324*l.*; this was a fixed valuation, in consideration that they continued to pay the tenths. The House would scarcely believe, that the valuation of the four archbishoprics in Ireland—Armagh, Dublin, Cashel, and Tuam, was only 1051*l.* It was absolutely ridiculous. The valuation of the 28 sees (for formerly there were 28 bishoprics, all separately valued, though now united into 18) was not more than 2,125*l.* Let him (Mr. H.) have the property thus valued to the first-fruits, and he should be most willing to pay 50,000*l.* for the first-fruits. Nothing could be more scandalous than the whole of this system of fraud; while the people of England, Scotland and Ireland, for half a century, had been year after year called upon to advance money for the Church of Ireland, to the extent of 780,000*l.* until the vote was stopped in the last session, the valuation of first-fruits upon the bishops sees, intended by the benevolence of the Crown for the maintenance of the inferior clergy, had been no more than

3,176*l.* [hear, hear!]. Last year the further grant was resisted, and successfully resisted, until the accounts of first-fruits were laid before the House. From these documents it appeared, that while England had paid 14,853*l.* in first-fruits and tenths, Ireland had only paid 910*l.*, or about one-sixteenth that amount, though her church establishment was double or treble as rich as that of England.

Such a state of things must have been known to his majesty's ministers, yet they had allowed it to continue. It was also necessary to mention, that patents had been granted to two individuals to collect the first-fruits; one of these was held by Mr. Shaw Mason. The average on the last ten years of the value of first-fruits of the clergy of Ireland, exclusive of the bishops, was 370*l.* During that period, four years had passed in which not a single shilling was paid, though not one year had elapsed without a number of promotions. He could not imagine how ministers could shut their eyes to these facts. Not only, however, had they shut their eyes, but they had given these proceedings their sanction, and had even gone the length of threatening to turn an individual out of his office, because he dared to promote a new and a more equitable valuation. Such was the fact, Mr. Shaw Mason, when he found that this new valuation was resisted as illegal, applied to a gentleman of the name of Allen for his opinion upon the point; and the opinion given reflected great honour upon the individual, as much as the contrary opinion might be said to have disgraced the attorney-general. True it was, as a friend near him observed, the opinion of an attorney-general was not worth a pin, because it was always what ministers wished it should be. This instance did not form an exception. It was not to be forgotten, likewise, in looking at this part of the subject, that the primates, though they would not allow their own valuations to be augmented, took care to increase the fines due to them; and recently they had been raised, in some instances, from eight pounds to nine pounds ten shillings. This fact shewed that they well knew how to guard their own private interests, though they disregarded the general interests of the church over which they presided. Mr. Shaw Mason called upon the archbishops and bishops to pay what appeared to him the yearly value; which, of course, they refused, on the ground that the valuation

was fixed. Mr. Mason replied that, on examination, he found that the value of the livings was to be ascertained from time to time, and he had taken the opinion of Mr. Allen, who confirmed him in the notion he had entertained. The bishops then applied to the government of Ireland, requiring it to interfere on their behalf; and a second reference being made to Mr. Allen, he confirmed the decision he had before given upon the question. The government appealed to the attorney-general, and it was almost needless to say, that the opinion of that officer turned upon a trifling point, that really looked very like shuffling, or at least shunning the real question at issue. He (Mr. Hume) was ready to risk every thing he possessed upon the result of this question—whether the attorney-general would have given such an opinion upon any subject unconnected with the wishes and interests of his employers. In short, whenever any body was disposed to remedy abuses, the claw of the government was thrust in to drag out the unfortunate enemy of abuses, and to defend and cover every species of corruption. He had stated to the House a strong case of an attempt to overbear a man in his endeavours to discharge the duties of his office. He felt honestly and warmly on this subject, and he could not avoid expressing some indignation in adverting to it. It was vain to mince the matter; for unless the truth was boldly stated, it was impossible that justice could be done. Why did the government appoint individuals to perform a duty which they had no power to execute? He would ask the attorney-general for Ireland why those gentlemen were appointed to their situations if it were not to collect the first-fruits by valuation? for it appeared, by the very patent of their appointment, that they were authorized to value benefices under the act of Henry 8th. He would now put it to the House whether it could sanction such proceedings? Would ministers tolerate such abuses? From the liberality which some of them had already evinced on some occasions, he did hope that they would not lend themselves to a system by which the public money was so scandalously misapplied. He did confidently trust that the right hon. secretary for foreign affairs would not throw his powerful shield over men who advocated such abuses, however they might be protected by others. The public now looked up

for protection against such gross jobs, and he trusted they would not be disappointed. The Irish government might have relied on the opinion of the attorney and solicitor-general; but at all events there was another legal opinion the other way; and as there was a difference, the poorer clergy, for whose good those first-fruits were intended, might have had the benefit of it. He had known nothing since he had had a seat in parliament, which called more loudly for inquiry than did this fact; and if he had mentioned no other, he thought it would be a sufficient ground for granting his motion.

He ought to apologize for detaining the House at such length [hear, hear]; but there was one other observation which he could not abstain from making, and he did it more to satisfy the scruples of some gentlemen, as to the inviolability of tithe and other church property, than as a reason for a removal of any doubts of his own; for his opinion had long been fixed on this subject. He knew that many gentlemen objected to any measure calculated to interfere in any manner with the property of the church, on the ground that it was a sacred and irrevocable grant. Now, he held in his hand a book published at Oxford in the year 1608, in which it would appear, that tithe and other church property were not looked upon with the same reverential awe as at present, but were rather considered as a property which the sovereign might give to the church, and resume at pleasure. In looking to this subject, they ought to go back to the time of Henry 8th, when the tithes were taken from one set of men and given to another. It was well known, that Henry 8th gave away tithes at will, not merely to the church, but to laymen, and that several lay impropriators at the present day possessed considerable property obtained in this way. Henry's will in those grants was law—his injunctions and proclamations in ecclesiastical as well as civil affairs had the force of legislative enactments; and most of those respecting religion were afterwards passed into law. The book in his hand contained one of those injunctions, in which he ordered, that "the use of holy bread and holy water, and the payment of tithes, should be continued, until the king changed or abrogated any of them." This injunction continued in force until the reign of Mary. It was then repealed, but was afterwards renewed in the reign of Elizabeth, and

continued the law of the land up to the present day. He only mentioned this to satisfy the scruples of others, that church property was not always considered of that inviolable character which some members wished to attach to it, and to shew that we might, without a violation of any sacred principle, consider of the expediency of dispensing with any number of bishops, as well as our ancestors had of uniting two bishoprics into one, or might consider of allowing parties to purchase their tithe altogether, by which the disagreeable and often litigious process of annual collection might be avoided.

He again begged pardon for occupying the House at so great a length, but he could assure them that he had not told half what might be said upon the subject. He knew that he might be misrepresented, and that this might be stated to be a mere question of pounds, shillings, and pence. But though, even in that sense, it would be by no means an unimportant subject of consideration, still it was not in that light, he said, he put it. He contended for the principle, that when an evil was known to exist, a remedy should be applied; and that it was the duty of the House not to allow that evil to increase, where a remedy might be applied with effect. The hon. member then proceeded to recapitulate the arguments which he had urged in the course of his speech. The state of Ireland imperiously called upon them to grant to the Catholics of that country, what they were justly entitled to; namely, an equality of civil rights. The principle for which he contended was the principle of conciliating the people of Ireland, and relieving the distressed population of that country from the state of discord, misery, and starvation in which they were plunged. The government would forfeit all claim to the character of just and equitable, if it persisted in the present lamentable system by which Ireland was impoverished and oppressed. The principles of conciliation and toleration were those on which his motion mainly rested; and he had only introduced the details to satisfy the House that inquiry was imperiously called for. If he had at all succeeded in making himself understood, he must have convinced the House that the state of Ireland required a change; and he was satisfied that if the evils which it was the object of his motion to get rid of were removed, all other evils would be found comparatively of minor importance. He had shewn the

House that, so far was the existing system from having the effect of keeping up the proportion between Protestants and Catholics, the proportion of Catholics to Protestants had increased to the amount of 14 to 1. He had shewn that the laws were disregarded. He had shewn that the bishops did not do their duty, and that unless that House acted as it ought to act, they never would do their duty. All these circumstances afforded the strongest ground for inquiry. His object was, not to injure the established church in Ireland, or to attack its possessions; but merely to pledge the House to an inquiry; and he would leave it to the House to say whether that inquiry should be by means of a select committee or by a commission. The hon. member then moved, amidst loud cheers,

"That it is expedient to inquire whether the present Church Establishment of Ireland be not more than commensurate to the services to be performed, both as regards the number of persons employed, and the incomes they receive."

Mr. Stanley said, that, however painful he might find it, to be under the necessity of differing, in some measure, from many of those for whose public character he entertained the highest regard, he trusted this would be considered as some apology for his venturing, however inadequately, to state the grounds on which he founded his opposition to the present motion. Agreeing as he did, in many points, with the hon. member, he could not but consider the time and circumstances under which this motion was brought before the House, however well calculated to secure votes in its favour, as peculiarly unfortunate. The tendency, and indeed the avowed object, of the motion was, at one and the same time to lower the authority of the church establishment, and to alleviate the misfortunes of Ireland. The hon. member had endeavoured to secure in support of his motion, the prejudices of all those who had the interests of Ireland at heart. In a warm and zealous attachment to the interests and welfare of Ireland, he (Mr. S.) would yield to no man. It was but too well known that, within the last few years, attempts had been made by the press, and through the more dangerous channels of private insinuation, to cast odium on the established church. Her revenues had been commented upon with unjustifiable severity, and the private errors and vices

of individual members had been dragged forward with malignant avidity, and had been most unfairly employed to cast odium on the establishment to which they belonged. He would venture to say, that if one half of the industry which had been exerted to malign the established church had been employed to draw forth to public notice the virtues, which many of its members displayed in the unostentatious discharge of their sacred functions, the church might have defied the boldest attempts of calumny and detraction. The hon. member then proceeded to contend, that in a matter of such vital importance to the nation, the utmost caution should be used, lest by an indiscreet zeal for doing good we might inflict an irreparable injury. He would not assert that there might not be circumstances which would justify an interference with the property of the church, but he would maintain, that no such circumstances could exist which would not equally justify an interference with landed, funded, and commercial property. Such circumstances did not exist now, nor was there any probability of their existence at any future period. He then proceeded to contend, that as a measure of finance, the inquiry would be unjust and unnecessary, and that as a measure of conciliation, it would be worse than useless. The motion either went too far, or not far enough. The established church of Ireland, should either be supported, or given up altogether. He could not consider this motion as any approach to a system of conciliation. It was, on the contrary, calculated to hold up to the Roman Catholics of Ireland, the Protestant church as one towering above their heads, "in pride of place," and enormous influence of wealth, or one which in turns excited their indignation and envy. It was said that the Protestant church had been forced upon Ireland. It was true that a bigotted, illiterate people, possessing all the virtues and vices of savages, must have looked with jealousy to the first introduction of a new religion, which had the appearance of being forced on them by their conquerors. The Protestant church, however, was now firmly established in Ireland. Protestant settlers had been encouraged under the protection of the law, and he believed there were few members of that House who could calmly contemplate the extirpation of the Protestant church in Ireland. Whether the present proposition were

considered as one of conciliation or financial advantage, there was no imminent danger which could warrant them in violating the rights and property of the established church. If it were meant as a measure of conciliation, he would ask the House, what single advantage it was calculated to give to the Catholics of Ireland? The public mind had been prepared for some such proposition as the present, by anonymous statements, reiterated insinuations, and unfounded exaggerations; and a formal attack was now, for the first time, made on the established church, in a point where it was supposed to be most vulnerable, and under the specious pretext of affording relief to Ireland. It was at present only proposed to clip the wings of the church, and exhibit her in a humbled condition to her rival. To shew the temper of the Catholics in Ireland towards the established church, he need only refer to a pamphlet which had been recently published, as a vindication of the religious principles of the Irish Catholics, and which had been acknowledged and sanctioned at a general meeting of Catholics, as speaking the sentiments of the whole body. The hon. member proceeded to read some passages from that pamphlet, with a view of shewing that the tone which the Catholics adopted towards the Protestant church was any thing but mild and temperate. If the feelings of the Catholics of Ireland towards the established church were thus intemperate, it was time to shew that the church was not deserted by the legislature—it was time to shew, that her natural protectors were neither too weak nor too indifferent to uphold her, and that her wealth excited no alarm among her friends, whatever jealousy it might excite among her enemies. Happily the time was not yet come, when her enemies might rush in and lay claim to her spoils, under the specious pretext of affording relief to Ireland, and when, under the guise of toleration, they might give a sanctuary to oppression. It should be recollected, that the oppression of one party was not necessarily the protection of the other. Warmly as he advocated toleration in its fullest extent, he would still grant encouragement to one religion alone: above all, he would avoid all such measures as had a tendency to excite in the one party the bitter feelings produced by a desertion of their interests, and in the other, the encroaching influence of rising power. If

this measure were to be considered as one of financial advantage, he was unable to conceive in what way it could contribute to the advantage of the peasantry of Ireland. He would not enter into a subject which had been so frequently discussed as the merits or demerits of the tithe system. It was clear to him, that no peasant in Ireland was so dull as not to understand, that it was a matter of perfect indifference, whether 12s. were paid to the clergy for tithe and 40s. to the landlord for rent, or the whole 52s. to the landlord. It had been contended, that tithes were paid by the consumer; but, whether tithes were paid by the landholder in rent or by the consumer, made no difference to his argument. If they were paid by the consumer, God knew! an exceedingly small portion was paid by the unfortunate population of Ireland!—He would ask, whether the present measure could tend, in the slightest degree, to raise the peasantry of Ireland from the state of degradation in which they were plunged? No man who had not seen the interior of an Irish peasant's cabin could form a conception of the misery and wretchedness which were there to be found. He wished most earnestly that the means might be afforded of raising the peasantry of Ireland from their present degraded condition, of removing from their minds that callous indifference to misery which a long acquaintance with suffering had impressed upon their characters. If it could be proved that tithes were paid by the consumer, he confessed he could not see how a country purely agricultural, and exporting its produce, could be benefitted by the abolition of tithes. He believed that the four great evils under which Ireland laboured were the want of a resident gentry, the want of capital, the want of employment, and the want of education. All these four wants, he was ready to assert, would be materially increased by diminishing the income of the clergy. It was of the utmost importance to the best interests of the people of Ireland, that there should be a class of men liberal, enlightened, necessarily well educated, compellible and now compelled to spend their incomes in the country; a class of men obliged by the decencies of life, if not by higher motives, to live temperately, honestly and soberly, and diffusing the benefits of their influence and example. On this subject he would appeal to the authority of a

distinguished prelate of the Irish church, against whom calumny had never dared to breathe a whisper—a prelate not less distinguished by the warmth of his feelings than by the soundness of his judgment. The bishop of Limerick (Dr. Jebb), in his charge to the clergy of his diocese, bore the strongest testimony to the high character of the established clergy in Ireland, and to the beneficial influence of their exertions on the comfort and happiness of the people.—He was unable to follow the hon. member through all his details; but there were one or two points, which he must allude to, for the purpose of shewing how far exaggeration might be carried. A publication, entitled, “Remarks on the Consumption of the Public Wealth by the Clergy” had gone to a fourth edition in 1822, and in 1824 a publication equally hostile to the church, admitted that the incomes of the Irish clergy were, in the first-mentioned work, greatly over-stated. It was, in the more recent publication, stated, that there were 1,309 benefices in Ireland, according to the parliamentary returns, at 800*l.* a-year average income. Now, it would be supposed from this, that the incomes were ascertained by parliamentary returns to be 800*l.* on the average. On the contrary, all that was ascertained was, that the number of benefices was 1,309, while the average amount of the incomes was founded on a conjecture only. The manner in which this conjecture was framed, was as follows—In the diocese of Cloyne there were 56 benefices, the amount of the incomes of which was 40,000*l.* a-year. Now, it was notorious, that the diocese of Cloyne was the richest in Ireland, and because these benefices, not taken indifferently, but selected from the richest of that richest diocese, had an average of 714*l.*, it was computed, that, the average of all Ireland was 86*l.* a-year per benefice more! In fact, the person forming the computation had taken the maximum incomes of the richest livings, in the richest diocese of Ireland at the highest time, and had taken an average of one-eighth more for the average of all Ireland. The hon. member (Mr. Hume) had stated the average of the Irish livings at 500*l.* a-year. He (Mr. S.) had made inquiries as to the rate of livings in the north and in the south, and, as far as his inquiries went, he was persuaded, that the average would not be taken too low at 250*l.* in-

stead of 500*l.*, and he was permitted, by the right reverend prelate, to whom he had before alluded, to state, that from his personal knowledge, this average was correct for his benefices of Limerick and Ardfer; and that, to the best of his knowledge and belief, it was correct for the rest of Ireland. When this average was taken, it would be found, that instead of 1,047,000*l.*, the income which had been assigned the Church of Ireland in these extravagant estimates, the real income would be found to be about 327,000*l.* a-year. The estimates of the wealth of the Irish clergy were not only wild and extravagant, but contradictory. It was stated, in one of these publications, that the lands of the bishops, if let at their full value, would produce 600,000*l.* a-year; and at the same time it was said, that five of the bishops had lands to the amount of 550,000*l.* a-year. This left only 50,000*l.* a-year for the other 18 bishops: and, calculating that the lands were let at a fifth of their value, like the rest, it would leave these 18 bishops an average income of 555*l.* a-year; which was absurd. The incomes of the bishops, like those of the clergy, had been grossly exaggerated. Out of 18 bishops, from his inquiries, he could confidently state, that 11 were at or under 5,000*l.* a-year; 4 were at or under 6,000*l.*, one under 7,000*l.*, and two others were not well known. Among other exaggerations, was the patronage of the bishops. The hon. gentleman had stated the number of parishes of which the patronage was in the hands of the bishops at 1,300; but parishes were not benefices. He knew that in the gift of the archbishop of Dublin there were not more than 20 benefices of all kinds, and that in the gift of the bishop of Kildare there were only half as many. Many of the dignitaries who figured in the statement of the hon. member, were certainly not in a condition to excite envy by their excessive wealth. The dean of Ernly had 180*l.* a-year, the dean of Kildare 100*l.* a-year, and the archdeacon of Raphoe nothing. There was another archdeaconry filled at present by the brother of a bishop, who would, no doubt, figure among the pluralists, who had absolutely nothing for his office, but the necessity of performing its duties. Among the other offices brought forward by the hon. member to shew the evil of an excessive establishment, were 107 rural deans. Was the hon. member ignorant, that the rural deans were in no

instance paid any thing, and that the sole reward of their office was the distinction of their office (to which they were generally chosen by rotation), the duties of which were, to assist the bishop in the superintendence of the inferior clergy. The hon. member had stated the incomes of the Catholic bishops to be from 3 to 700*l.* a-year. This he believed to be very much under-stated; for he had reason to believe, that even the Catholic parish priests had incomes from 300*l.* and 400*l.* to 500*l.* and even 800*l.* a-year. There was a small parish near Dublin, the parish of Howth, where the income of the Catholic priest was 800*l.* a-year. He had been informed by a nobleman, whose careful attention to the welfare of his tenantry had been repaid by their respect, nay, almost adoration, and what was more gratifying to him, by the visible improvement of their condition, that the Protestants often paid yearly offerings to the Catholic priests of their parishes—that they were, in fact, compelled to do so, to propitiate the Catholic clergy, and to stand on good terms with their fellow parishioners.—He could state, in conclusion, that many of the highest dignitaries of the Church of Ireland were anxious that an investigation should take place, not partial in its bearings, and that the whole of their political and moral relations to the country should be brought under view. He hoped ere long that some such inquiry would take place, that some commission would go forth to view, with their own eyes, impartially, and on the spot, the bearings of the church establishment on the condition of Ireland; but he should object either to committee or commission, which should set out in a spirit of hostility; which should assert the principle broadly, that the property of the church should be meddled with. He should object, in short, to any commission or committee, the appointment of which should fix on the minds of the establishment, whose condition was to be investigated, the impression, that their case was decided before they were heard or seen. He regretted, that the manner of wording the motion, and the tone in which the hon. member had introduced it, compelled him to oppose it, at least in its present form, while he felt that it was highly desirable that the House and the country should obtain the fullest and most perfect information on the subject of the Irish clergy [repeated cheers].

Mr. Dawson concurred in the opinion, that great exaggeration prevailed respecting this species of property. The confusion which prevailed in the House prevented us from distinctly hearing the details into which the hon. gentleman entered, in order to show the comparative numbers of resident and non-resident clergy at different periods. In the year 1819, there were 901 incumbents actually resident on their benefices, or in the next adjoining parishes. The hon. member for Aberdeen had estimated them at 763 only; but the returns from which he was now quoting, he had caused to be prepared with the utmost care, and might be confidently relied on. If those returns were carefully examined, they would be found to establish in the most convincing manner this great truth—that wherever the Protestant church was most strongly established in Ireland, there the greatest prosperity, and quiet, and good order prevailed. Where there were the greatest number of glebe houses, there the greatest share of public industry, of commerce, and of happiness was enjoyed. The order of the provinces in these respects might be thus stated—Ulster, Leinster, Connaught, and Munster. Munster was the province in which, unhappily, the established religion was most neglected, or least followed. He begged, however, to bear testimony to the meritorious character of the Protestant clergy throughout Ireland. They were zealous in the discharge of their duties, indiscriminate in their charities, which extended to the professors of either faith, and in their own persons and morals afforded the best examples of conduct to their parishioners. As pastors, they were attentive to the spiritual welfare of their flocks; as landlords (and he said it confidently, notwithstanding all the clamour which had been raised against them), they were indulgent and moderate with their tenants. He would refer the most sceptical on these matters to the present state of the north of Ireland, in order to show, that what he said was the fact; and that in no part of the empire was the service of the Protestant church better performed. To his mind, no case had been made out for the necessity of changing the present establishment of that church, and he should therefore oppose the motion.

Mr. Dominick Browne said, that as long as the revenues of the established church in Ireland were to be continued in their

present integrity, he had no hopes of the peace and prosperity of Ireland. From the last returns, it appeared, that the total population of Ireland was about 7,000,000; of these 7,000,000, about 5,750,000 were of the Roman Catholic persuasion; 250,000 Protestant dissenters; 500,000 Presbyterians; and 500,000 Protestants of the establishment. The landed property belonging to the established church in the same kingdom might be estimated at two-elevenths of the whole produce or rental of the island. What might be the amount of fines levied by them, it was not easy to say; but he should assume, and upon good authority, that their landed property was equivalent to between one-fourth and one-fifth of the whole island. The hon. gentleman then entered into some explanations of the manner in which church lands were let, and fines taken upon anticipated renewals of leases, &c. A good deal had been said of the deduction to be made from the estimated valuations he had alluded to, on account of the renewal and fine system; but, all this made no difference as to the question of the value of church property, for it only amounted to this—if the archbishop of Armagh, or the dean of Derry, received now, or in 1819, only 20*l.* a year for a farm that ought to pay 100*l.* a year, this happened merely because the bishop or dean, his predecessor had, in 1804 or some preceding year, sold the reversion of the lease for 20*l.* annually. There were in Ireland about 2,500 parishes; and, if his premises as to her population were correct, the average of each parish would be about 100 Protestant dissenters, 200 Presbyterians, 200 Protestants of the establishment, and 2,300 Roman Catholics. If this enormous inequality prevailed in the parishes of England, would such a disposition of property be endured by the majority of the nation, even to the conclusion of the present year? He thought not. The best mode of preserving the Protestant establishment of Ireland would be to make some provision for the Roman Catholic clergy of the country. Some arrangement ought to be adopted, that might make it an object with gentlemen to enter into that priesthood, instead of filling its orders, as was now generally the case, from the peasantry. In such an event, there would be at length something like a cordial communication established between the people and the government. Impressed with these notions, he felt it to be his duty to support the motion.

Mr. Robertson thought there were but two modes by which it was possible to restore peace and tranquillity to Ireland; and that of either of them the basis must be the union of Roman Catholics and Protestants themselves. One of these modes would be, to admit the Roman Catholic clergy to a participation of tithes. The other (which he had not yet heard alluded to in that House, but which did not seem impracticable, if his majesty's ministers would only dare to attempt it) might be found in the union of the Protestant and the Roman Catholic churches of the kingdom. This might seem at first sight impossible to some honourable gentlemen; but those who were acquainted with the events that had taken place in Europe during the last six years, would know, that more difficult unions of religious sects had been, in that interval, effected upon the continent. Let the government take measures, therefore, to ascertain what the differences of doctrine were, as between the established church and the Roman Catholic church of Ireland. It would be found, that there were no essential differences of faith; and that, in the main, the creed of one was the creed of the other persuasion. Archbishop Tillotson had stated, that the Apostle's creed, as it was expounded by the four first councils, was the faith also of the churches of Rome and England. Now the variations of religious doctrine, as between the Lutherans and the Calvinists, were more grave and weighty, possibly, than any between Romanists and Protestants. The one sect was totally opposed to the other; and yet, in 1817, the government of Prussia, being highly sensible of the advantages which must accrue to the country from their union, sanctioned that measure; and it had been carried into effect with the best consequences, not only in that kingdom, but in Hesse Cassel, Bavaria, and over the greater part of Germany. Archbishop Tillotson had once corresponded with France, in order to bring about some arrangement of the kind between the Protestant and Catholic churches; and the bishop of Durham had expressed an opinion as to the practicability of the scheme. He had stated, in an address to his clergy, that though it might be described by many as a hopeless project, it appeared to him, that there was more opportunity at present than at any former period. Would it not, then, he asked, be an undertaking well worthy

of the attention of government to take some steps in order to bring about so desirable a result? Rome, he was certain, if applied to, would willingly make any reasonable concessions to meet the spirit of conciliation and of union. This would, in his judgment, be the best mode of attempting to restore peace to that afflicted country; for, however they might talk of infusing capital and promoting education and industry, these efforts must fail in their object, if the minds of men were not satisfied and reconciled, upon a topic so much calculated to excite their feelings. For these reasons he should support the motion, which he thought calculated to lay the foundation of lasting benefits to the people of Ireland.

Mr. *Grattan* thought that great advantage was likely to arise out of the motion, and under that impression he would give it his support. He well remembered that in the years 1808 and 1809, when the question of Irish grievances was fully debated, and his lamented father had taken a conspicuous part in the discussions, the general impression was, that the tithe system was the great evil of Ireland. Being satisfied in his own mind of the truth of that opinion, he should vote for the motion of the hon. gentleman, which was not brought forward in a feeling of hostility to the church, nor calculated to interfere with its interests; but, on the contrary, to promote them by leading to the correction of those abuses under which it suffered.

Mr. *Plunkett* said, it was not his intention to have made any observations on the motion before the House, but having been so directly alluded to by the hon. mover, he was anxious to prevent the House from remaining under the delusion which the speech of the hon. gentleman was likely to create, if permitted to go uncontradicted. He thought he should not discharge his duty to the House and to himself, without, in the first place, making a few observations on the general subject in respect of which those opinions had been offered. And he should do so, rather for the sake of rescuing a cause to which he had always been conscientiously attached, but to which much allusion had been unnecessarily introduced into the discussion of this evening, and supported, he would say, by arguments of such a nature that they were calculated to do it the greatest harm, in the mind of every honest and well-judging person in the

House. The hon. gentleman who had introduced this motion, had consumed the greater part of the time which he had felt it proper to devote to its support—not in the discussion of the merits of the Protestant church of Ireland, or her clergy, but of those of the Roman Catholic priesthood. And really, when the hon. gentleman coupled the expression of his approbation of that priesthood with the exposition of his plan for pulling down the revenue of the Protestant church in that country, of transferring and delivering it into the hands of the Roman Catholic hierarchy (for such was the scope of his proposition), the House would give him (Mr. P.) leave to say, that he deprecated the hon. gentleman's advocacy of their cause, more than he should lament his hostility to it [hear]. For himself, he had ever been, and to the last hour of his life would continue to be, unalterably the advocate of his Roman Catholic brethren; but, in doing so, he would ever respect established rights and recognized institutions; and, while he vindicated the claims of the Catholics, he should carefully abstain from offering any wrong to the Protestant clergy—any encroachments on their property—any aggression on their sacred functions. Such were not the ingredients of the great question which he had already had the honour of submitting to the House. Such were not the wishes, nor the opinions, either of the Roman Catholic clergy or laity. He asked it, therefore, of the candour of the House, not to allow the cause of the Catholics of Ireland to be affected by what had been said that night by the hon. gentleman. If that hon. gentleman's arguments had rested merely upon the wording of his motion, he did not know that there was a great deal in that motion with which he should absolutely quarrel; but he must judge of it by the spirit and the arguments with which it had been supported; and when he heard some gentlemen (very few, undoubtedly) supporting it by their cheers, he could not feel that he was quite safe in embarking with such company. He would not sail in the same vessel with the hon. gentleman and his friends to the high latitudes to which they proposed to run; nor could he agree to sail under sealed orders, that might be broken at a time when he could no longer escape out of their bark, and get back to the terra firma of the constitution which they had quitted. The hon. gentleman was for no church establish-

ment [hear]. Did he do the hon. member injustice? Had he misunderstood him? "He spoke" (continued Mr. Plunkett) "of America as a model in this respect. Take notice, Mr. Speaker, and let the House, I conjure it, well remember, that this is the model which the hon. gentleman proposes to us. He would have us throw away our venerable institutions, our old establishments, and our ancient forms, and adopt those of republican America in their stead." But, these were principles which, though they had been advanced by the hon. gentleman, would find, he trusted, no advocate in that House. It did happen, however, that, in the latter part of his argument, the hon. gentleman had dismissed the American model he had proposed in its commencement; and, after suggesting that there ought to be no church establishment at all, he had proceeded to state, that he did not altogether, as it were, disapprove of a hierarchy, but would have it established according to the prevailing prejudices of a nation. He had instanced the conduct of king William in Scotland, as tending to show that, in these cases, the opinions of the majority of the country should be deferred to: and, in this portion of his speech, the proposition of the hon. gentleman rather appeared to be, that the property of the church ought not to be taken away, but that the larger portion of it should be transferred to the Roman Catholics. Much, however, as he regretted the principles upon which the hon. gentleman seemed to found his motion, the means suggested for carrying its design into execution, were at least equally objectionable. The hon. member evidently thought that parliament were at liberty to deal with the property of the church exactly in the same way as if it were a tax, or any other property of the state; and this opinion he grounded upon a supposition of public necessity. Now, that the property of the church might not be interfered with, as well as the property of the state, in a case of public necessity, he would not assert. But, be it observed, that upon the same principle, the private property of every man in the kingdom was equally liable. He knew very well, that both the property of the church and the property of individuals must yield to the exigencies of the state: to those, the property of the hon. gentleman himself, as well as of every other member who heard him, must give way;

but, he would maintain, that the property of the church was as sacred as any other.—And, then, the question came as to the construction of the exigency which should call for these encroachments on it. What was the public exigency that required it to be withdrawn from its present possessors? Or what was the public good to be acquired by so withdrawing it? He was unwilling to enter into this part of the subject, which had been already so amply, and so ably discussed, by an hon. gentleman opposite (Mr. Stanley). And he could not allude to that hon. member, without congratulating him and the House on the proofs he had so recently evinced of sound intelligence and manly eloquence; and on the resources which he had exhibited in manifesting his capability of drawing upon them during the exigency of a long debate, for answers to objections that had been incidentally taken. It was, therefore, that he begged to offer his congratulations to the hon. gentleman and the country, and the cause which he had advocated, and the noble stock from which he had sprung, and which had now received a most gratifying accession to its family honours. [hear]. Was it the opinion of the hon. mover, that, in lieu of tithes, something in the shape of a tax ought to be levied on the land? He had not opened so much of his proposition; but, such was the inference that the House was warranted in drawing from what the hon. member had stated. He believed that it was one of the calamities of the country, that there was not consideration enough had to the comforts of the lower classes of the people; but, if the tithes were taken away from the clergy, they would fall into the hands of the landlords; and, he must again repeat, that to take away the ancient rights of one class of persons, to give them to another, could not be termed any thing else but spoliation. If they began with the church, let the landholder look to himself, and let the fundholder also take care of himself, as he lay even more conveniently than the landholder.—He would beg to advert to one of the numerous exaggerations of the hon. member for Aberdeen. He had stated, that there were upwards of 300 or 400 clergymen who were absentees. He did not exactly know the number, but he believed a hundred or two would not be thought material, when he came to state what the numbers really were.

Mr. *Hume*, across the table, said there were 531.

Mr. *Plunkett*, in continuation, said, that he feared he should hardly get credit with the House when he said, that if they struck off the 500 from that number, the remaining 31 would be a considerable exaggeration. He did not mean to accuse the hon. member of intentional mis-statement; for indeed he went painfully and elaborately to work, but on inaccurate grounds. Where there was a union of two parishes, he called the clergyman who had the union a pluralist, and an absentee if he did not reside on both the livings [a laugh]. What he was now about to state had been communicated to him by a person high in rank and talents, and more likely to obtain accurate information on all matters connected with the church than the hon. gentleman. That distinguished person had assured him, and he was incapable of making the assertion if it was not correct, that out of the whole number of the clergy, there were not twenty who did not reside on their parishes in Ireland. If the hon. gentleman still persisted in his oddity of 531, he (Mr. P.) could say, of his own knowledge, that, so far as he had witnessed the conduct of the clergy of the established church in Ireland, no men could be more assiduous in the performance of their moral and religious duties. It was true, that among them, as among all great bodies, there were some exceptions to be found; some, who, instead of attending to the performance of their duties, absented themselves from their parishes, and came to watering places in this country, where they were only anxious to cut a figure as bucks and swaggerers. But, generally speaking, the conduct of the established clergy of Ireland was unimpeachable, and their excellence appeared in a stronger light, from the contrast of such exceptions.—Another observation of the hon. member for Aberdeen was, that they had misconducted themselves in the misapplication of first-fruits; and, in his arguments upon that subject, he had charged the law officers of the Crown with countenancing this abuse, and had alluded to an opinion of his (Mr. P.'s) own, which he had represented as calculated to mislead them. The House would not expect that at that distance of time he could call to mind all the particulars on which his opinion was founded; but he would briefly state the nature of

those circumstances, as far as he could recollect them. The first-fruits were vested in the Crown by certain acts of Henry 8th and Elizabeth. When his opinion was required, he interpreted the value of the first-fruits as depending on the amount which appeared in the king's books, and not on their value at the present time. In the reign of queen Anne, they were transferred to the commissioners of first-fruits, who held them liable, of course, to the same interpretation. The gentleman who collected them, took it into his head, that he would not admit the value as it appeared in the king's books, but insisted on the full present value. He (Mr. P.) had stated in his opinion, that the officer already alluded to had no such right, especially as, up to the period of his decision, they had always been collected on the former principle. He had no power to make such a change, for he had no means to inform himself on the subject; he could neither administer an oath, nor command an investigation. If there was to be a change, the act of parliament had pointed out the mode in which it should take place: namely, by the appointment of a commission with the lord chancellor and the master of the rolls at its head. Such were the grounds upon which his opinion was founded; and he was sure the House would not consider him very culpable in deciding on a question of that nature, as the established usage and obvious interpretation of the law required. With respect to the Protestant establishment of the country, he considered it necessary for the security of all sects; and he thought that there should not only be an established church, but that it should be richly endowed, and its dignitaries be enabled to take their stations with the nobles of the land. But, speaking of it in a political point of view, he had no hesitation to state, that the existence of the Protestant establishment was the great bond of union between the two countries; and, if ever that unfortunate moment should arrive, when they would rashly lay their hands on the property of the church, to rob it of its rights, that moment they would seal the doom, and terminate the connexion between the two countries.

Sir *Francis Burdett* rose, and addressed the House to the following effect:—

It is not my intention, Sir, at this advanced stage of the debate, to endeavour to do more than to state briefly the

grounds upon which it is my intention to support the motion of my hon. friend. Indeed, Sir, deeply interested as I feel in every thing which relates to Ireland, I am at all times greatly embarrassed, whenever I have to approach a question in which that unfortunate country is in any way concerned. The evils under which she labours are so vast and so numerous, as not to meet with a parallel in the history of any people in the known world. So deeply seated are those evils, and so impressed am I with a conviction of the importance of entering into a full examination of a state of things so dangerous to the happiness of both countries, that I cannot but feel great embarrassment in confining myself to any question of particular grievance, separate and detached from the general grievances under which Ireland has so long laboured. The existence of those evils is admitted by men of all and of every party. Notwithstanding which, if we advert to them generally, the moment we embark on that sea of affliction, we are stopped short by the ready answer—"We see the evils as plainly as you do; we acknowledge their existence; but no earthly wisdom can remedy them; the subject is too great to be grappled with: before we can proceed to investigate, we must have some specific grievance pointed out, which it is within our means to remove." If, as in the present instance, a particular grievance is pointed out, then we are told, "this is not a grievance the removal of which will cure the complicated evils complained of." The right hon. and learned gentleman has, Sir, to my great astonishment, described the church of Ireland as not being any grievance, and as not being felt by the people of that country as a cause of any evils. This statement I heard, Sir, with very considerable astonishment; for it is the most extraordinary assertion I ever heard made in this House; and, coming as it does, from the right hon. and learned gentleman, it affords a melancholy prospect for those millions of Irishmen who had looked up to that right hon. and learned gentleman, both from his great talents, and the influence of his high station, as the person best calculated to remove some of the numerous evils under which they have so long been groaning. The statement, however, which the right hon. and learned gentleman has just made, must blast all their prospects, and make them give up every hope of

ever recovering their rights, or obtaining a redress of their grievances.

With regard, Sir, to the particular question now before the House, I hardly know how to enter upon it. I am inclined to think that I entertain some rather particular views on the subject of the evils with which Ireland is afflicted; and they extend so far, that I am fearful they would be considered as visionary, and without the scope of ordinary practice. But, unless, Sir, we get out of the track of parliamentary routine, unless we forsake the common path of government proceedings, we shall never be able to grapple with those evils, nor find courage to apply a remedy. After ages of accumulated evils on that unhappy country—accumulated either for want of courage to search them, or inclination to apply any remedies—it is at last come to this, that something must be done. The wounds must be probed to the bottom with a steady hand, provided we wish to heal them. In one observation of the right hon. and learned gentleman I fully agree. I agree with him in the tribute he has paid to the talents of the young member on this side of the House, who spoke second in the debate, and whose eloquence fully merited all that the right hon. and learned gentleman has said of it. I do not, however, think, Sir, that that speech gave any efficient support to the side of the question which it espoused, although the hon. gentlemen opposite seem inclined to ride off upon it, instead of coming forward as the ministers of the Crown, and declaring what are their opinions with regard to the extent of the mischief, and what are the views entertained by them as to the remedies necessary to be applied to the complicated evils under which Ireland is at present labouring. And until the right hon. and learned gentleman got up, I was inclined to think that the debate was to be suffered to pass off, on the flimsy pretext, that the speech of the hon. member who spoke second, was a full and satisfactory answer to all the striking statements made by my hon. friend the member for Aberdeen. I confess that I do not think this a worthy or a proper course. Much has, indeed, been said of the inaccuracy of the statements of my hon. friend. This, Sir, is easily asserted; but, can it be as easily proved? The hon. gentlemen who have taken a part in the debate have certainly not proved it. But if my hon. friend is inac-

curate, the returns and reports made to this House must be inaccurate; for all his statements were taken from them: and for their accuracy he did not vouch, knowing as his hon. friend well did, that returns made to this House are very frequently inaccurate. Such sort of accusations, therefore, are not fair; neither are they of any value.

With regard to the church of Ireland, I, Sir, am one of those who do not believe church property to be so mischievous to a country as many persons imagine; but neither on the other hand do I consider it so sacred, or to stand on the same footing, or to be hedged round with the same protections as private property. The property of the church, Sir, is pay given for a public service, and it requires that that service should be performed. One portion of it was given for pious uses. And as to the donors who were, according to some gentlemen, to have their gifts set aside by any alteration of church property, I will ask, to what church did they give this property? Certainly not to the church which now holds it, but to another from which it was taken by the state, and transferred to this. As to the arguments, therefore, which have been addressed to the interest of the landed gentlemen, telling them to beware of shaking their own property by suffering that of the church to be touched, I trust, Sir, that the landed gentlemen in this House have too much good sense to adopt any fear of the kind, and too much manliness not to treat such opinions with contempt. If it can be shewn, that the property of the established church in Ireland is so distributed as to be a great evil—if it can be shewn, that by altering that distribution we shall largely promote the interests and happiness of all the people, that we shall benefit the public—if it can be shewn, that this property is an enormous grievance—will it not be absurd to say, that it is not to be touched—that parliament cannot alter the destination of the property of the church, when it is shewn, that this destination is an alarming evil, and that the alteration would be productive of great public good? But, Sir, I will admit, for the sake of argument, that church property is as sacred as private property. Is not the principle on which private property is held sacred, that of the public good? If the right of private property is proved to be an evil to the public, to the community at large, private property

will no longer be sacred in my estimation; for the sole end of all government, the single reason, why any and every right is held sacred, is the good of the community. When, therefore, it is argued, that we cannot touch church property—that we cannot alter its destination—this does seem to me so childish as to be unworthy of an answer, and undeserving even of consideration.

With regard to the church of Ireland, the single question is, does that church do good or evil? Is Protestant ascendancy—for that is what is meant by preserving the church—of so much benefit, that it must at all hazards be preserved, or is it not a curse to the people of Ireland? Even if it can be proved that the Protestant ascendancy is not an evil, it does not follow that the church should be protected in all its wealth. But if that ascendancy is the cause why all classes have not equal rights; if it prevents the government from doing justice to all its subjects; if it exposes the majority to the tyranny of a small number, and will not allow the nation to be governed by any other principle than terror; then, Sir, I cannot consider this Protestant ascendancy as so necessary to be preserved; or that it is not of more harm than good. Again: If the Protestant ascendancy in the church were destroyed, does it of necessity follow that the country will be ruined, as the right hon. and learned gentleman has stated? I think not. But, unless Catholic emancipation be carried; unless the Irish shall no longer be persecuted for an adherence to that religion which is to them an honour—for they conscientiously adhere to it, every motive of interest being against their adherence—I am sure, Sir, we shall have neither tranquillity nor justice in Ireland. And after such a testimony as this adherence bears to their conduct, shall we be told that they cannot be trusted on their oaths; that no security they can offer is adequate; and that danger would ensue from the measure of Catholic emancipation? But this is to shut our eyes, for the sake of avoiding an imaginary danger, to the great danger which arises from neglecting to do an act of absolute justice.

Some gentlemen have urged other reasons for the evils which afflict Ireland. One gentleman says, that they arise from a want of education; another, that they want capital; another, that they want a taste for the comforts and conveniences

possessed by the people of this country, to call into exertion their industry and genius; and a thousand other things beside are said to be wanted in Ireland. From this variety of opinion it may be seen how difficult it is to pitch upon the real cause; and perhaps the truth may be that a combination of causes is at the bottom. Certainly, the people of Ireland do not want a taste for the pleasures or comforts of life. There is, in fact, no people on earth more susceptible of such impressions. He remembered a story, which is applicable to this point. A gentleman riding along the high road, saw an Irishman at work upon it, who, he knew, had but a few months before been left a pretty considerable legacy. He asked him, how he came to be working there, since he had so recently received his legacy? "Faith," said the man, "its all gone, for I had a mind to see how gentlemen lived who had 200*l.* a year." It cannot therefore be justly said, that the Irish want a taste for the comforts of life. As to their industry, they are the most industrious people in the world, and are scattered all over this country, seeking the means of obtaining those comforts for which they are said to have no taste. Why, their industry inundates England, and they have thereby greatly contributed to degrade the people of this country to the same level as themselves. I do not wish to prevent this; but it is the mode in which the wretched system pursued with regard to Ireland has brought its own punishment along with it. So great is the industry of the Irish, and so great their burthens, that it is not uncommon, I understand, for a man to come to London to earn by his labour money wherewith to pay his landlord's rent. Indeed, the industry of the Irish, and their emigration into England, are fast pushing her into the same state as Ireland. If nothing is done to remedy the miseries of Ireland, they will overflow and destroy England. Sir, I do not think I am far wrong, when I say, that the whole amount of the poor rates in England are paid by the landed gentlemen for the poverty of Ireland. The influx of Irish labourers into the English market has done more to degrade the poor of this country, than even the mode in which the magistrates have administered the poor-laws. I do not say this harshly, or with any view to cast reflections, but, bad as the mode of administering these laws has been, there is such a

spirit in the British peasantry, such an aversion to dependence, that they would have borne up against this, had they not been overwhelmed by the influx of the Irish. The hon. member, whose speech had been so much praised by the gentlemen opposite that they seemed to consider it a perfect "God send," and as very pleasantly taking of the edge of the debate—that hon. member had read an extract from a pamphlet in which the evils were all ascribed to a redundant population. Certainly, Sir, the redundant population which has grown up in Ireland is a great evil. But how has it grown up? By the Irish gentlemen splitting their land into small portions, so that there was always a prospect of the people getting one of these many subdivided portions, and the competition for them was perpetual. If they can get potatoes, and live in the very worst way possible, they will give up all the produce of their industry for permission to occupy one of these spots, and cultivate it. For this evil, Sir, which is the greatest of all, I see but one remedy; and the situation of Great Britain is particularly favourable for adopting it. This remedy is colonization. We have a redundant population, and we have most magnificent colonies, capable of producing every variety of corn and fruit, and blessed with the finest climates. In the present state of Ireland, then, colonization, and colonization on a large scale, is the only remedy for this redundant population. Sir, it must not be conducted on a small scale like that at the Cape of Good Hope, where it seems as if the people were sent out only to starve to death, but on the old Roman plan. For such an object no money should be grudged; and all that is necessary is to take care, while it is carrying into execution, that the gentlemen of Ireland alter their plans of managing their land. The expense cannot be objected to, after the profligate vote of 500,000*l.* for churches and the 300,000*l.* for repairing Windsor Castle, which no man knew wanted any repairs. These, two sums, amounting to 800,000*l.* would go a great way to carry into effect an extensive system of colonization: a system too which, after a short time, will yield an ample return, and will be much more effectual than Mr. Owen's plan, which, after the first generation, would reduce all Ireland to a state of pauperism. As to the immediate question before the House, I contend, Sir, that no arguments whatever have been urged against my hon.

friend's statements. As far as argument went, nothing has been said which should make the House reject the motion of my hon. friend. The motion was to be taken separate from the speech of his hon. friend; but the only argument against it was borrowed from his speech, and from that it was inferred, that the motion was made in a spirit of hostility to the church establishment of Ireland. I hope the House will adopt the motion of my hon. friend. His statements are denied; but, grant his motion for inquiry, and there will be ample opportunity of proving whether those statements are true or false. The right hon. and learned gentleman, indeed, has stated, to my utter astonishment that there are only some twenty absentee clergymen from Ireland. My hon. friend has made a very different statement. Here then, is a subject for inquiry. Let this point be brought to the test. Let not dust always be thrown in the eyes of the people. But let them sometimes see us in earnest in finding out the causes of their misery. If the opponents of the measure vote for the motion, they will have an opportunity of proving those statements, which now rest only on the ipse dixit of some unnamed person. According to the statement of the right hon. and learned gentleman, the Irish church, instead of being careless and negligent of its duty, might be taken as a pattern even for its sister in this country. But even if they are negligent, it is of little matter. They are sent to teach duties and doctrines which the people abhor. The right hon. and learned gentleman has reflected on the land-owners, but it would be better to have gentlemen enjoy the property of the church, and that they should have the salaries themselves to reside, than a class of men who can have no community of feeling or interest with their flock, who come not, to use the emphatic language of Scripture, "to bring peace, but a sword," and who, by their situation, were disliked by the people, who never could amalgamate, nor come in contact with them, but in hostility. Those members who wish to oppose the motion are put to their shifts, and impute motives instead of finding arguments. But the speech of my hon. friend, has nothing to do with the motion, that it should be rejected if it be good. It will be wise and honest to enter into the inquiry. Other inquiries may arise out of it, which may lead to still more beneficial results. The hon. baronet sat down amidst loud cheers.

Mr. *Leslie Foster* said, the question appeared to be, how much or how little of the property of the church of Ireland was now to be confiscated? To accede to the present motion would be, to a great proportion of the people of Ireland, a positive infliction of evil, and to the remainder of it no benefit whatever. Indeed, he could not give his assent to the proposed inquiry, as he considered it to be demanded upon assumptions that were notoriously unfounded. The first assumption of the hon. member for Aberdeen was the total insignificance of the Protestant population of Ireland when compared with the Roman Catholic. The hon. member had said, that the number of Protestants did not exceed five hundred thousand. Now, the House was in possession of data which enabled it to judge of the correctness of that assertion. The population of Ireland consisted of six millions and three quarters of which two millions belonged to the province of Ulster. Now, every gentleman who was acquainted with the counties of Antrim, Down, and Armagh, would acknowledge, that in those counties the inhabitants were nearly all of them Protestants, or at least that the Protestant part of them was far more numerous than the Catholic. The same was the case in Londonderry. In Donnegal the Protestants were full as numerous as the Catholics. In Cavan they were rather, and in Tyrone they were much, less numerous. Indeed, he would be fully justified in stating, that five-eighths of the population of Ulster were Protestants—a calculation which would give 1,250,000 Protestants for Ulster alone. Though in the country parts of Leinster, as distinguished from the towns, the Catholics were much more numerous than the Protestants, still upon the whole, the Protestants were in proportion to the Catholics as one to five; in Munster, they were as one to twelve; and in Connaught, as one to twenty-four. This calculation would give about 300,000 Protestants to Leinster, 200,000 to Munster, and 40,000 to Connaught; and would make the total amount of Protestants in all the provinces of Ireland about 1,800,000. This calculation shewed, that the Protestants in Ireland were to the Catholics, not in the numerical proportion of one to fourteen, as the hon. member for Aberdeen had stated, but in the numerical proportion of one to four. If then one-fourth of the population of Ireland were

Protestant, ought they to proceed rashly to destroy the property of its church establishment, in order to conciliate the religious prejudices of the remainder of its inhabitants? Another assumption which the hon. member for Aberdeen had made was, that the ecclesiastical property of Ireland in the hands of the bishops amounted to 2,500,000*l.* Now it was impossible for a moment to admit the correctness of this assumption, without contradicting the evidence of their senses. The bishops of Ireland, on an average, did not receive more than 5,000*l.* a year. There were, it was true, certain bishoprics which had immense emoluments, but there were others which were excessively poor; and he thought that he had rather exceeded than diminished the real average, in taking it at the ratio which he had mentioned. Now, to confiscate this property would be to spoliage the laity, and not the clergy of Ireland; for the church property of that country was leased out amongst its gentry in such a manner, that for every 1,000*l.* which would be taken from the bishops, 5,000*l.* or 7,000*l.* would be taken from the country gentlemen.—With regard to the amount of tithes, he would prove that the hon. member for Aberdeen had also been guilty of great exaggeration. The number of parishes in Ireland was 2,500. Now in 84 of them, taken indiscriminately, the value of the tithes had been ascertained, under the last tithe composition act. The average value of each was 410*l.*; and he conceived that this average was rather too great for the whole of Ireland. But, taking the tithes of all the parishes in Ireland at this average, the total amount would fall short of one million sterling. Of these tithes, one-third at least were in the hands of the laity; so that the tithes left in the hands of the clergy would not much exceed 600,000*l.* a year. Upon this calculation the question arose, how far was this sum essential to the maintenance of the church establishment of Ireland? He would compare it with the rental of Ireland, which, as the House seemed averse to listening to the details into which he had entered, he would take without stating the calculations from which he deduced it, at 10,000,000*l.* sterling. Of this sum the income which the clergy derived from tithes formed a seventeenth. The real question, therefore, to be considered was—were the peasantry of Ireland likely to be benefitted by the

transference of this income to other landlords than those who now received it? The hon. gentleman proceeded to discuss this point at some length, but the noise in the House prevented his arguments from being heard. He conceived that abundant reasons had been offered to the House in the course of the discussion, why it ought not to go into this inquiry, even if it had the power. He now said, that if it had the inclination to institute the inquiry, it had not the power; for the act of union stipulated, that the church of Ireland should be preserved in the same state of security that it then enjoyed, under the protection of the law; and this inquiry went to violate that security in some of its most essential points. It was of great importance to the people of Ireland, that this question should be immediately set at rest. An idea had been sedulously propagated in that country, that the church establishment ought to be got rid of as soon as possible. Old prophecies on the subject had been carefully raked from the obscurity in which they had been enveloped, for the purpose of convincing the people, that the time of their accomplishment was near at hand. The agitation of this question in Parliament would induce them to suppose, that they had allies within its walls zealously co-operating with them to produce the same result. He therefore thought, that, the sooner the House showed its determination to maintain the church of Ireland unimpaired, the sooner would it restore peace and tranquillity to Ireland.

Mr. *Hume* rose to reply. He contended, that the hon. member who spoke second, and who had accused him of making erroneous statements to the House upon the faith of anonymous publications, had himself made more erroneous statements to the House than he had ever contrived to put together. The hon. member had made a very long and a very able speech, which many members might suppose was an answer to the speech which he (Mr. H.) had previously delivered; but, it was no such thing. The hon. member had answered a speech which he had never made, and had refuted statements in a pamphlet which he (Mr. H.) had never seen. In the course of the debate he had been frequently accused of exaggeration; but he found that not more than three of his statements had been seriously contradicted. The first contradiction which he had received was

as to the amount of the church establishment. That amount he had taken, not from any anonymous publication, but from Mr. Wakefield's Survey of Ireland; and if the hon. member would compare it with the amount given in the Clerical Register, a work which had something of an official character, he would find it to be correct even to a unit. The next contradiction which he had received regarded the patronage of the Irish church; and upon that point the hon. member said that he must have mistaken the parishes for benefices. Now, he had stated the benefices in the hands of the bishops to be about 1,391. That amount he had taken upon Mr. Wakefield's authority, who had extracted it from a Memoir of Dr. Beaufort. The hon. member, in proof of his assertions, had said, that there were only 20 benefices in the county of Dublin. Now, the last returns presented to the House proved, that in that county there were 209 parishes, and 144 benefices. He, therefore, left the House to decide whether he had made his assertions on the faith of anonymous statements, or whether he had made them from official documents, which the hon. member himself had neglected to consult. He trusted that he had said enough to convince the House, that no sufficient answer had been given to his statements. It was easy to say, that they were exaggerations, or to add that they were made for the purposes of spoliation; but he maintained that he had already shown them to be no exaggerations, and he appealed to the words of his resolution to convince the House that spoliation was not his object. All that he wished the House to do was, to inquire. He had been candid enough to state what his own opinions were upon the subject; he had not called upon the House to adopt them: he had simply offered them to its notice, and had left them to judge of the propriety of the inquiry upon its own clear and definite merits.—The third point on which the right hon. and learned member had contradicted his statements, related to the non-residence of the Irish beneficed clergy. The learned member had contradicted them upon the faith of private information, which he stated himself to have recently received from a person well acquainted with the subject. Now he thought that the member had no right to set up his private information as superior to that which was founded on the last official documents presented to that House.

The learned gentleman had said, what a mere statement of the fact was sufficient to disprove—namely, that in the whole church of Ireland there were not more than 20 or 30 absentees. Now, by an abstract of the returns relating to the residency of the clergy in Ireland for the year 1820, he would show, that there were more than 30 non-resident clergymen in one diocese. Out of 1,289 clergymen, he found there were only 758 residents; that there were several who by faculties were only partially resident; and that there were 243 non-resident, by faculties and other causes, which it was not necessary to enumerate at length. He did not know where the right hon. and learned member had been lately; but to a certainty he could not have been much in that House, or he would have known that the secretary for Ireland had brought in a bill to enforce the residence of the clergy in Ireland. Now, how did the learned member reconcile the introduction of that bill with the small number of absentees which he had stated? If there had not been more than 20 or 30 clergymen absent from their livings, would any child believe that the secretary for Ireland would have formally introduced a bill into Parliament to remedy the evil occasioned by their non-residence? Why really, if he had not facts to support him in his assertions, and if he were not able to corroborate those facts by the concurrent testimony of official documents, he might be told that he stood upon his head instead of his heels; and might be ridiculed as incredulous, because he could not give credit to so preposterous a statement.—One word with regard to the sacredness of church property. The learned member had said, that he would not embark in the same vessel with him on this question, lest, after he had once got out to sea, he should find it impossible to turn back and regain the terra firma of honour and right principle. For his own part, he must confess, that he (Mr. H.) was not overproud of such company as the learned member's. He would likewise add, that the man who said that the welfare of the Catholic population of England was dear to his heart, and could yet refuse to entertain a measure that was calculated to promote that welfare, was a man in whose company he (Mr. H.) would not willingly sail. The learned member had asked, whether there was any difference between the sacredness of church property and private property.

He (Mr. H.) replied, that there was a great difference. For instance, an individual had a right to devise his property by will after his death. Had the holder of church property any such right? If an individual died without a will, his successors, whether they were his children or his next of kin, were known, and to them the law would transfer his property. Was such the case with regard to the church? Was there any person known or recognized as the successor to the incumbent of a benefice? or would the law give it as matter of right to any particular individual? No such thing. In all the propositions which he had made on this subject he had carefully abstained from meddling with existing interests; and, therefore, as nobody could be injured by his prospective regulations, where was the injury of attempting to regulate church property? The learned member had given it as his opinion, that church property ought not to be subjected to parliamentary interference. What, however, was the opinion of a man who was a little more respected than the learned member ever had been or would be—he meant the late Mr. Grattan? That great and acute man had paid much attention to this subject, and in a speech which he made, in refutation of arguments similar to those which had been urged by the learned member that evening—a fact, by the by, which did not speak much for his talent and ingenuity—had observed, that “church property was a public fund for the payment of those public officers who were employed to maintain the national religion; and that as such, it was liable to be controlled and regulated by parliament for the interest of that religion, and also for the national benefit.” He considered this opinion of Mr. Grattan to be a complete balance, to say the least of it, to the opinion which the learned member had stated, with so much loudness and vehemence, that evening.—Mr. Hume then contended, that he had not overstated the amount of the church property in Ireland, and proceeded to maintain his argument by reference to several official returns, of which some had been recently furnished to the House, and of which others were, he could not deny it, rather antiquated; though he had yet to learn that they were, on that account, undeserving of credit. He trusted that before the House entered upon this discussion again, gentlemen would place their information in an official shape on

the table of the House, and would refrain from making charges of exaggeration against their opponents, which, when challenged to make good, they could not substantiate. He repeated, that all he wanted to obtain was inquiry into the state of ecclesiastical property in Ireland, and that he was most adverse to any measure which savoured of robbery or confiscation.—The hon. gentleman then sat down amidst loud cheering.

The House divided: Ayes 79. Noes 153.

List of the Minority.

Anson, hon. G.	Maberly, W. L.
Barrett, S. M.	Macdonald, Jas.
Becher, W. W.	Marjoribanks, S.
Benyon, Benj.	Martin, John
Bernal, Ralph	Monk, J. B.
Brougham, H.	Moore, Peter
Browne, Dom.	Newport, sir John
Belgrave, visct.	Normanby, viscount
Calcraft, John	Ord, W.
Calcraft, J. R.	Osborne, lord F. G.
Cavendish, C. C.	Palmer, C.
Clifton, visct.	Palmer, C. F.
Colborne, N. W. R.	Power, M.
Crompton, S.	Pryse, Pryse
Cradock, S.	Rice, T. S.
Davies, T.	Roberts, A. W.
Dennison, W. J.	Roberts, G. J.
Denman, Thos.	Russell, lord J.
Dundas, hon. Thos.	Russell, lord G. W.
Ebrington, viscount	Rickford W.
Ellice, Edward	Robertson, Alex.
Ellice, hon. A.	Scarlett, J.
Fitzgerald, Rt. hon. M.	Scott, Jas.
Fergusson, sir R.	Sebright, sir John
Graham, S.	Smith, John
Gordon, Robert	Smith, hon. R.
Gurney, H.	Smith, W.
Hamilton, lord A.	Steward, W. (Tyrone)
Heron, sir Robert	Stuart, lord F. J. C.
Hill, lord A.	Taylor, M. A.
Hobhouse, J. C.	Townshend, lord C.
Honywood, W. P.	Webbe, Edw.
Hutchinson, hon. C. H.	Whitbread, S. C.
James, Will.	White, Sam.
Johnson, W. A.	Williams, John
Kennedy, T. F.	Wilson, sir Robert
Lamb, hon. G.	Wood, Matthew
Leycester, R.	Wall, Baring
Leader, W.	TELLERS.
Langston, J. H.	Hume, Joseph
Maberly, John	Burdett, sir F.

HOUSE OF COMMONS.

Friday, May 7.

BEER DUTIES BILL.] Several petitions were presented against this bill.

Alderman Wood said, if it was suffered to pass into a law, it would be productive

of the worst effects to a numerous and deserving class of persons. Property to a great amount would be deteriorated; and many annuities which were at present fixed on that property, would be considerably reduced in value. If, therefore, it was determined that the bill should be pressed forward, compensation ought to be made to those who were likely to suffer by it. In a recent case, government had made compensation to a publican whose house it was found necessary, in the course of certain improvements, to take possession of, before his lease had expired; and those who must inevitably be injured by this enactment were equally entitled to compensation. It was alleged, as a reason for this measure, that almost all the public houses were in the hands of the brewers. This, however, was erroneous. Of 48,000 public houses in London and its environs, 24,000 were perfectly free.

THE BUDGET.] The House having resolved itself into a committee of ways and means, to which the Balance Sheet, and the Annual Accounts of Public Income, of Public Expenditure, and of Consolidated Fund were referred,

The *Chancellor of the Exchequer* said, it was not his intention to trouble the committee at any length in prefacing the motion he was about to make for the last grants to be called for this session. It was, however, the usual practice at such a period to enter into a kind of recapitulation of the state of our expenditure as provided for in the committee of supply, and also to explain to parliament the nature of any increase, and the manner in which such increase was to be provided for. The House had already voted for the service of the year sums to the amount of 18,275,270*l.* viz. for the Army 7,440,945*l.*; for the Navy, 5,762,893*l.*; the Ordnance, 1,410,044*l.*; Miscellaneous Services, 2,611,388*l.*; there was also the interest of Exchequer bills amounting to 1,050,000*l.*; making, in all, the sum of 18,275,270*l.* There had also been voted in a committee of supply, two sums of 15 millions each, being thirty millions, to pay off a portion of the Exchequer bills outstanding in 1824. These Exchequer bills amounted to 34,031,000*l.* of which, of course, 4,031,000*l.* remained to be provided for. He would shortly state to the committee, how he intended to provide for them. The House had already granted an annual sum of three millions

on the articles of sugar, malt, foreign and British spirits. The naval and military pensions amounted to a sum of 4,620,000*l.* There had been received from the East India company, on account of the annual half-pay of troops in India, a sum of 60,000*l.*; there was a small surplus from the Ways and Means of 41,537*l.* One hundred thousand pounds had been received back from the commissioners of public works, and 50,000*l.* as contributions from official salaries, under an order in council, he believed, of 1822. This was a sum contributed by the great officers of state, who gave up a sum of ten per cent. upon their salaries, thus following the example of his majesty, who had been pleased to give up 30,000*l.* from the civil list. These contributions had been carried, not to the consolidated fund, but to the Ways and Means of each year: so that it was not necessary that they should be voted in a committee of Ways and Means. These several sums made a total of 7,781,597*l.* The surplus of the consolidated fund he took to be 106,000*l.* after paying all incidental charges. And he would tell the committee how he got that surplus in the present year. The estimate of this year's revenue was 51,265,000*l.* To that sum he added the portion of the repayment made by Austria upon her loan, say 1,422,500*l.*, and also another item of 222,000*l.* received from Ireland as outstanding public money, which had been repaid. This made a total revenue of 52,970,500*l.* The whole of this sum was not, however, to be carried to the consolidated fund, as there were to be deducted from it two sums; first, three millions, applicable to the supply of the year, and also a sum of 1,200,000*l.*; which he took to the loss of revenue, owing to the repeal of taxes. This sum was made up partly by loss of revenue, and partly by the repayments which it was found, necessary to make on the reduction of duty in the silk trade. Perhaps it was as well that he should take that opportunity of stating to the committee, that the total sum paid in consequence of the alteration of those duties was 500,000*l.* He admitted that this sum was greater than he had contemplated; but he felt satisfaction in stating, that it was much below that stated by the opponents of the measure, in order to terrify him and the gentlemen who did him the honour to support him, out of the adoption of a measure of sound policy

and practical utility; and it gave him much satisfaction to reflect, that that measure was calculated to produce as much general benefit to the country as its most sanguine supporters could have anticipated. It was a subject of congratulation to the committee, that a measure involving, as it did, many conflicting interests, had passed the House without any difficulty; and it was much to the credit of the persons whose interests were more immediately interfered with, and whose prejudices were naturally the most difficult to overcome, that their opposition to it was conducted in the most orderly and respectable manner; in a manner, indeed, which must always entitle them to the attention of parliament, whenever their affairs might come under the consideration of the House. He repeated, it was matter of congratulation that they had effected so important and so triumphant an alteration at the expense only of 500,000*l.* and he was sure that parliament and the country would not think such a sum of money, so applied, ill laid out, when they looked to the advantages which it conferred upon the silk trade, as well as the community in general.

But to return: there were these two sums of 3,000,000*l.* and 1,200,000*l.* making 4,200,000*l.* This sum, deducted from the revenue already stated, left a sum of 48,767,500*l.* Now, the charge on the consolidated fund was 38,057,000*l.* leaving a surplus of 10,650,500*l.* For the appropriation of this sum he now meant to propose a vote to the committee, as part of the ways and means of the present year. He had already stated, that there remained 4,031,000*l.* of outstanding Exchequer bills of 1824, to be provided for. The way he thought it most advisable to provide for the liquidation of these bills was to avail themselves of the consolidated fund, in such a way as to produce an equal number of Exchequer bills, but at a less expense than if they were to vote 34,000,000*l.* of Exchequer bills in the ordinary way. Gentlemen who were in the habit of attending to the subject, well knew, that whereas the charge on the consolidated fund would not accrue until the quarter day, yet there was a portion of the accruing money continually coming in during the quarter, which, if not paid out, or applied in some other way, would accumulate without advantage. Therefore it was, that by an act passed two sessions

ago, government was authorized to avail itself of the growing produce of the consolidated fund, provided such sum did not exceed six millions. The charge on the consolidated fund being at present reduced in consequence of the simplification of the sinking fund, there was no necessity for having recourse to this growing produce; and, therefore, what he had to propose was, that the 4,031,000*l.* of outstanding Exchequer bills of 1824, should be provided for out of this growing produce. It might be said, that this was only substituting one kind of debt for another—one set of Exchequer bills for another. But, as the sums thus taken were to be paid back by the receipts of the next quarter, it was clear, that the interests for a year could not accumulate, and therefore the business would be transacted at a less annual expense than if the same sums were issued in the ordinary way. In this way he meant to provide for all the outstanding Exchequer bills, leaving a small surplus of 155,000*l.* for the year. This was all he felt it necessary to state with respect to the votes of the year. He had stated, that two votes of 15,000,000*l.* each, Exchequer bills, had been granted: the fact was, that only one vote had passed; the other he then held in his hand.

It was quite unnecessary that he should now offer any observations upon the trade or commerce of the country; the principles upon which both were established were now well understood, both in that House, and out of doors; it would be a waste, therefore, of the time of the House to enter into that subject. There was one point, however, to which he felt it his duty to call the attention of the committee—he meant the plan which he had announced in the early part of the session for reducing the four per cents. He had then stated, that the intention of government was, that the holders of 100*l.* four per cents should receive 100*l.* three and a half per cent, not redeemable for five years to come. He had stated at the same time, that those who dissented from this plan should be paid off by a given day one-third of their stock. And he had added, that it was his intention to introduce a clause into the bill, giving to the Treasury the power of paying off the remainder of the stock of those who dissented, within six months from the notice of such intention. He did not then think it prudent that government should undertake to pay at one time more than one-third of the

whole amount, which was 75,000,000*l.*; as, if the assents should turn out to be small, it would not be easy to discharge the claims of those who dissented, though there could be no difficulty in paying 25,000,000*l.* But he had stated, that in the event of a large proportion of the stockholders assenting, then it would be desirable, that upon giving an additional notice, they should be empowered to pay off the whole demands of those who dissented, as soon as possible. And when he found that the number of assents bore a great proportion to the whole body of holders, he felt it necessary to state, that all the dissents should be paid off on the 10th of October. The assents at present amounted to 68,000,000*l.*—a most satisfactory proof of the strength of public credit in this country, and also the most convincing argument, to shew that the measure itself was one which met with no obstacle in its execution. It was not easy to say what the amount to be paid on the 10th October would be. At present, the deposits amounted to 7,000,000*l.*, but by a clause in the bill, there still was an opportunity afforded the parties of assenting to the measure.—He now came to the mode in which this sum of 7,000,000*l.* was to be provided for. It appeared to him, that the most natural, easy, and obvious mode would be, by the issue of Exchequer bills at a moderate interest, upon which a word by and by. Exchequer bills were the most useful security, and were in great request; they were at the same time the most simple and easy course by which such a sum could be raised. The obvious effect of this would be, to add 7,000,000*l.* to the unfunded debt of the country. And if this were to be a permanent addition, he should not hesitate to pronounce it an unwise course of proceeding; for though Exchequer bills were in request, and were a useful and convenient security, still it was the duty of government to take care that this species of floating debt did not go to too great an extent; because, if any cause of sudden and unexpected expenditure should arise, much difficulty would be encountered, unless that species of debt were kept within due bounds. He thought, therefore, that if they applied Exchequer bills to the payment of this 7,000,000*l.* it would be necessary to reduce the amount of these Exchequer bills with all despatch, and with that view he meant to charge the interest and principal of those Exchequer bills upon the sinking

fund. It was clear, the effect of this would be, that so much of the sinking fund would not be applicable to the reduction of the national debt, and that pro tempore, so much of its power would be suspended. And as he thought it the duty of the House to preserve that fund in its full force, instead of cancelling this stock of seven millions, it would be better to transfer it at an interest of three per cent into the hands of the commissioners of the sinking fund; thus constituting it a portion of the redeemed debt in their hands. So that the powers of the sinking fund would not, in fact, be less than if applied to the actual reduction of the national debt. The rate at which he proposed that these seven millions should be paid from the sinking fund was at one million per quarter; so that it would take seven quarters before it was paid. It might be said, that this was paying off the sum of seven millions with less rapidity than was desirable. He maintained the contrary. It was impossible to apply the whole of the sinking fund, which consisted of five millions, to this single object. The sinking fund was applicable, not merely to the reduction of the national debt, but also to the liquidation of the life annuities. Besides which, there had been, in 1824, a sum of 519,000*l.* charged upon it. There were other demands also which the sinking fund had occasionally to meet. Such, for instance, as the unclaimed dividends; which, though applicable to the purchase of stock, the commissioners were obliged to pay to the claimants when they applied for them. So that a certain sum must necessarily be retained at all times in their hands for this purpose. He thought, therefore, that taking one million per quarter to meet these Exchequer bills was as large a sum, as, under all circumstances, it would be expedient to apply to them.

In the course of the session, he had been several times asked, what he meant to do with respect to the interest of Exchequer bills, and the hon. member for Taunton (Mr. Baring) had advised him to reduce their interest, as a preliminary step to the reduction of the four per cents, in order to make it less advisable to the holders of that stock to withhold their assent, under the speculation of investing their money when they might be paid off at par in Exchequer bills. Had he done this, and had the number of dissents obliged him to issue a larger number of Exchequer bills than was originally

contemplated, their interest must rise, and this would not, perhaps, be a fraud upon, but certainly an injustice to those, who had originally agreed to the reduction of the four per cents. When Exchequer bills were at a premium of 57 per cent it was not likely that they could let them go on at so high a rate of interest. He had always thought that the time would come, and he now thought that that time was come, when it became expedient to save the public a portion of the expense arising from the interest on Exchequer bills. This was at present the case; for though he intended temporarily to increase the number of Exchequer bills, he intended to provide gradually for their extinction. It was proposed that a reduction of four millions of Exchequer bills should take place; after which the next issue should be at a lower rate of interest. They were now at 2*d.* a day; and he flattered himself that in consequence of the flourishing state of our commercial relations, and the demand for this sort of floating capital, they would bear a reduction of a half-penny. This, if carried into execution, would afford no relief during the present year, as the interest we were paying was on the bills of last year. But next year some saving would be made, provided it was found that the market would bear the proposed reduction of a half-penny. This alone would make a saving of 230,000*l.* on 30,000,000*l.* of Exchequer bills. There would also be a saving on Exchequer bills by a transfer of 4,000,000*l.* to the consolidated fund.—He did not know that he had any thing further to offer to the committee. He had gone over the various subjects connected with the supply and expenditure of the country; he had explained the nature of the reduction about to be made in the four per cents, and the means by which those who dissented from that measure were to be paid off. He should be most happy to give any hon. member any explanation in his power upon any of the subjects to which he had alluded, and in conclusion had only to move, "That the sum of 15 millions be raised by Exchequer bills for the service of the year 1824."

Sir Henry Parnell said, he approved of the financial arrangements of the chancellor of the Exchequer. He thought he had acted with great advantage to the public in making use of his means of reducing taxation, in reforming our fiscal and commercial regulations in preference

to the repealing of direct taxation. This course would lead to increased productions and increased wealth; and afford new resources for the future reduction of taxes. He begged to acknowledge the readiness with which the chancellor of the Exchequer had attended to the applications of the manufacturers and merchants of Ireland for the repeal of the whole of the Union duties. In his opinion, this single measure was calculated to produce a very extensive improvement in the condition of Ireland. As far as a trial had been made of a partial repeal, it had been productive of great advantages. But although a great deal had been done this session in the way of reforming our commercial system, it was necessary to bear in mind, that the measures about silk and wool and bounties were at least but half measures. He did not believe the right hon. gentleman could have done more respecting the silk trade. But it was, right to have it understood, that no final settlement had been come to; that what was done was only a beginning; and that it would be the duty of parliament to persevere until this trade was placed on a footing of perfect freedom. The duties which had been fixed upon thrown silk, were particularly objectionable: for though the repeal of all duty on raw silk, may make it appear that our manufacturers had their raw material free of duty, as long as any thrown silk was imported, the duty upon it, would operate as a tax upon English thrown silk; because the price would be regulated by the price of the imported thrown silk. Until this duty was wholly repealed, the English manufacturers would be under a disadvantage, as compared with French manufacturers; and this alone would contribute to prevent them from coming successfully into competition with them. In respect to the proposed duty on wool of 2*d.* a pound on exportation, this would be 20 per cent on low-priced wool, and operate as a prohibition of exportation. What had happened concerning the timber trade, shewed the necessity of revising every recent arrangement. This had been so settled that we paid 3 or 400,000*l.* a-year more for timber than we ought to do, and yet we hear of no change being intended. But the branch of our finances which was in the least satisfactory state, was the public debt. It was absurd to suppose that a sinking fund of 5 millions a-year could ever be effectual in reducing 800 millions besides, we had

not a surplus of 5 millions, but one under four, according to the Balance sheet of the right hon. gentlemen: if the extraordinary receivers payments are deducted. He thought it was incorrect to call this surplus a sinking fund; its proper name was a surplus or reserve fund; and it was only as such, he approved of it; as he never believed, in the event of a war, any government would leave it untouched. In place of this delusion he wished to suggest to the consideration of the House the plan he had mentioned, last session, of endeavouring to reduce the debt by means of long annuities. This plan had been approved of by Mr. Ricardo, and by every one who had given an opinion upon it out of the House. If Mr. Pitt had adopted the principle of long annuities, and borrowed all his loans in them, as one percent on a 100*l.* will increase to 100*l.* in 37 years, when the interest of money is 5 per cent, in 1830 the loan of 1793 would be extinguished; in 1831, the loan of 1794, and so on. In each following year the loan of a year of war would be extinguished. The state of the money market might not have enabled him to borrow at 37 years purchase, but if he had been obliged to give 40 or 45 years, the extinction of each loan would have been certain. He was aware that a difficulty might exist in now converting perpetual annuities into long annuities, to any considerable amount; but what he wished to see adopted was, a beginning of an attempt to convert perpetual annuities into long annuities. There would doubtless be many persons who, for the sake of a larger income, would prefer determinable annuities. If only a million and a half a-year were thus invested as a sinking fund, by making use of it to convert perpetual annuities into long annuities varying from 50 to 80 years three hundred millions of debt might be extinguished. As, in the existence of a nation, a large number of years were of little consideration, this principle would operate with unerring advantage to the public interest, and increase public credit by affording a certainty of a great reduction of the national debt.

Mr. *Hume* said, he agreed in most of what had been said by the hon. baronet. The public would soon find, that the commercial or fiscal regulations would produce great advantage; that the outcry raised against it in the first instance was unfounded; and that the most sanguine anticipations would be realized. Convinc-

ed by this experiment, he was satisfied that the chancellor of the Exchequer would, in a short time, remove all the restrictions, which had tended more than any thing else to retard the prosperity of the country. He hoped, that what the hon. baronet had said about timber would meet with attention, for there could be no sufficient reason why the people of this country should be taxed, under the pretence of encouraging a colony, to the extent of several hundred thousand pounds a-year, and be furnished with bad Timber into the bargain. He trusted also, that when the wool question should be brought forward again, ministers would adhere to their original resolution, and impose a duty of only one penny per pound upon export. They could not do justice to their own principle, if they consented to raise it to two-pence, upon the representation of any interested parties. He was sorry to notice several items mentioned by the right hon. gentleman; and one of them was 4,620,000*l.* for what was called the dead-weight loan. If ever a lesson had been afforded to the House, it was given by this transaction. He had done his utmost to resist it. The fact was this—that ministers had borrowed eleven millions sterling, to be paid in three per cents at 73 and they had been repaying it at the rate of 78, 86, and 96, losing the whole difference, and which loss he was satisfied would amount to six millions before the whole was completed. This, too, exclusive of all the shame that must attach to the House for sanctioning such a bargain. What was the chancellor of the Exchequer about to do with regard to the sinking fund? What could justify the right hon. gentleman in again endeavouring to complicate that fund, when every body acknowledged that, if persevered in, it ought to be simplified. Why did he transfer the remaining seven millions to the sinking fund, and then taking interest pay it back again quarter by quarter? The intricacy of these transactions would be such, in a short time, that the right hon. gentleman would require an additional office to prevent him from making mistakes. There was another subject on which it was fit that he should make some observations—the vote for new churches. He should be glad to know whether, by bill or otherwise an opportunity would be afforded of taking the sense of the House upon the question? [The chancellor of the Exchequer said, that a bill would be brought in.]

Such a proposal was, in all points of view, objectionable. New churches were not at all wanted; and he thought the House would be of that opinion if an opportunity were afforded of fairly considering the subject. He had never met with a man out of the House, who did not disapprove of the application of 500,000*l* to the building of new churches. The House had been cajoled into a temporary approbation: but he would take care that a time should come, when it might be ascertained whether ministers would persist in forcing this measure upon the House; and whether the House would venture to support them. He was almost as little satisfied with what had been said regarding the bank of England; and he recommended the chancellor of the Exchequer to read a pamphlet on the subject, by the late member for Portarlington. He was quite convinced that the whole of the million sterling, the sum paid for the management of the debt, and the whole interest of the floating debt might be saved to the country. He hoped, therefore, that ministers would not listen to any proposition for continuing the exclusive privileges of the bank of England. He feared that some approach towards such an arrangement might be made without due inquiry. The matter ought to be submitted, in the first instance, to the House, and a committee ought to be appointed to investigate facts, and ascertain opinions. Every shilling of interest on Exchequer bill sought to be saved. In the present exuberance of capital for public security, banks upon the plan and system of the Scotch banks ought to be encouraged. How many individuals had been ruined by the failure of country banks. It was optional, indeed, whether people would trust their money to them; but the conveniences of banking were such, that there was no alternative. Every encouragement ought, therefore, to be given to such banks as were established in Scotland not one failure in ten years would then occur; and all those lamentable catastrophes which had so often been witnessed in England would be avoided. If there were any thing in the law of this country to prevent the formation of such firms, the obstacle ought to be removed without delay. With regard to surplus revenue, and the mode in which it ought to be employed, he was decidedly of opinion, that taxation ought to be removed in the first instance, and the floating debt as much as possible reduced. The productive

powers of the country would thus be rapidly increased, and the accumulation of capital, materially aided. When he had said, some time ago, that he should not be surprised to see the 3 per cents at par, he had been told that he was dreaming; but his dream had nearly been verified; and he still hoped to see the whole interest of the debt reduced to $2\frac{1}{2}$ per cent; which in fact would make a reduction of half the amount. Every million of taxes repealed must add to the accumulation of capital, which would do more towards the diminution of the national debt, than any paltry sinking fund of five or even ten millions. Such was the course that ought to have been pursued; but, as it had not been pursued it ought now to be begun. The sinking fund was only something above three millions upon the statement of the chancellor of the Exchequer; and why, instead of adhering to it, should he not publish that he was ready to receive proposals for the purchase of annuities for thirty, forty, fifty, and sixty years, two millions each, or any other sum, making provision for the interest? If a commencement were now made upon this plan a rapid diminution of the debt would be effected. He hoped, at all events if the House did not sanction this project, that it would take into consideration the folly and fallacy of applying the sinking fund to the purchase of 3 per cents at 96. Many might think a surplus convenient in case of war; but let it be devoted to taking the floating debt out of the market; and whatever happened, if even a war should arise, money enough could be easily raised, without doing more than increase the issue of Exchequer bills. In conclusion, he protested against the complication about to be introduced, and against the further purchase of three per cents at 96. The first was absurd; and the last a piece of most extravagant folly.

Mr. *Robertson* trusted that the chancellor of the Exchequer would not be deterred from pursuing the simple and straight forward measure of a sinking fund; the consequences of which, he was satisfied, would be highly beneficial to the community.

Mr. *Whitmore* expressed his regret, that the chancellor of the Exchequer had been induced to abandon his first resolution regarding the duty upon the export of wool and his hope that he would revert to the duty of one penny per pound, instead of persevering in laying on two-pence in

compliance with the representations of the manufacturers. He had a strong conviction that the sum of 500,000*l.* which had been repaid to the silk merchants and manufacturers, on the stock in hand, was an unnecessary expenditure of the public money. He had at the time, made no objection to the arrangement, because he was aware of the obstacles which were thrown in the way of the application of sound principles. He had felt that price could only be lowered by competition, and that the mere fact of the lowering the import duty on the material of a manufacture would not cause such a sudden increase of the quantity of the manufactured goods, or of the raw material, as to cause any considerable loss on the stock in hand. With regard to the sinking fund, he agreed, that the surplus was not much more than three millions, after deducting those temporary sources of revenue by which its amount in the present year was swelled. In reference to this subject, he could not help pressing on ministers the extreme impolicy of continuing the delusion of the "dead weight," which was not simply useless, but mischievous. He was one of those who thought that there should be, in ordinary times, a surplus revenue raised; and, considering the amount of the whole revenue, and of the debt, he thought three millions was not too large a surplus. Now, the difficulty in which he, and others who held the same opinion, were placed by the delusion of the dead weight was this, that while they were in reality supporting a surplus revenue of only three millions, they seemed to be supporting a surplus revenue of five millions. Every principle of policy, as well as justice, should induce ministers to remove every thing that prevented the proper understanding of the public accounts, and to make them so simple that he that ran might read. He hoped, therefore, that they would take the earliest opportunity to destroy this—the grossest delusion that was ever practised upon the country.

The resolution was agreed to.

SAVING BANKS BILL.] The House having resolved itself into a committee on the Saving Banks Acts,

The *Chancellor of the Exchequer* said, his first object in moving the resolution with which he should conclude, would be to assimilate the law of Savings Banks in England and Ireland. His next object

was, to make provision for the future, in respect of the deposits of friendly societies and charities. The high rate of interest guaranteed to these banks by law, no doubt had induced those charities, as well as individuals of a rank and property never contemplated originally in the scheme, to place their funds in these banks; the aggregate amount of which had the effect of burthening the public considerably with the payment of a large interest. He should propose, as a limitation, that no friendly society, or charity having an endowment, should be permitted to subscribe to these banks, except in cases where the endowment should happen to be so small as to render the exclusion unnecessary. A good criterion as to the smallness of the endowment would be furnished by the fact of its paying or not paying land-tax; if it paid none, this proposition would not apply to it. Hospitals, he thought, should also be denied the benefit of these banks: they were liberally supported throughout the country; if they were at liberty to deposit the surplus funds which some of them commanded, the original object of Saving Banks would be defeated, and the public in some degree be prejudiced. Other friendly societies and charitable institutions of a less opulent character, he should so far limit, as to say that in no case should they contribute more than 500*l.* The best way to prevent individuals who had deposited largely without being of that description of persons which it was desirable should be the contributors to these banks, from doing so hereafter, would be to reduce the interest on future contributions. Those who had already subscribed, it would be obviously unjust to deprive of the benefit which had accrued to them. At the same time, he should feel most reluctant to weaken the confidence which the public reposed in these banks, and which had rendered them one of the greatest blessings ever conferred upon the country. Though in some instances richer persons might have availed themselves of their advantages, the great majority of contributors would be found to be the industrious poor, for whose welfare these institutions were originally framed. At present, contributions in the first instance were limited to 100*l.*, and succeeding ones to the amount of 50*l.* in any one year. He should suggest, that these sums be reduced to a first contribution of 50*l.*, and succeeding subscriptions not to exceed 30*l.* per annum. To

obviate any thing like evasion of these regulations, he should introduce a form of declaration, to be subscribed by every contributor, stating that he had not contributed to any other than the bank wherein such declaration was subscribed. In place of a mark or an initial, which was at present deemed sufficient, he should require the subscription of the party's name in his own hand-writing. Then, as to the responsibility of trustees, a good deal of difficulty was to be encountered. It had sometimes happened that treasurers and secretaries had not been quite so scrupulous with the monies of subscribers as they should have been; and where those monies had been made away with, a question had arisen, how far the trustees were liable to the subscribers. It might be a very nice point to determine whether, indeed, trustees were or were not liable; but it might surely be a fair question to ask which ought they to be. If they were to be rendered too liable, responsible persons would be deterred from accepting trusteeships; and therefore he would propose to make them liable only to a certain amount; to have for each bank, 12 trustees, each of them liable for 50*l.*, the aggregate of their liability being for the sum of 600*l.* These were the principal regulations he meant to introduce into the new measure; together with a proviso, that in case of any sudden run upon the Saving Banks, it should be lawful for the Treasury to issue Exchequer bills to such an amount as might meet the demands on account of deposits, until their capital in the public funds could be sold out, when the Treasury advances should be repaid. There could be no objection, he thought, to the preliminary resolution he should now move, which was—"That it is the opinion of this committee that the several acts relative to Savings Banks in England and Ireland should be amended."

The resolution was agreed to.

HOUSE OF COMMONS.

Monday, May 10.

DERRY CATHEDRAL BILL.] Sir *George Hill*, on moving the second reading, said, that the bill had two objects. The first was to vest in the bishop, dean, mayor, and representatives of the city and county of Derry, subscriptions, which had been entered into, for the rebuilding of the spire, and repairing and embellishing the cathedral. The estimate of the expense

of carrying this work into effect, was 5,000*l.* The bishop had subscribed 850*l.*, the corporation 80*l.* per annum for ever; and the parishioners proposed to assess themselves, at vestry, in the sum of 60*l.* per annum, for 25 years; they having already, in part of the estimate of 5,000*l.*, put a new roof upon the cathedral. The remainder of this sum was supplied by private subscriptions. The object of the bill was to vest the whole of these funds in trustees, to secure their care, application and the immediate execution of the plan. The second object of the bill was to create a permanent fund for the future maintenance of the cathedral. It did not appear that there was any fund at the disposal of the dean and chapter applicable to the cathedral. It was therefore proposed, by the bill, to charge the deacons of Derry, after the present incumbency, with an annual payment sufficient for that purpose. The anxiety to render the church not only fit for divine service, but to embellish it, and to rebuild the spire, was general. Good-will and co-operation existed locally to carry into effect the measure now proposed, which had for precedent a similar measure carried in the Irish parliament, for the cathedral of Down in 1791, and another for the cathedral of Litchfield in 1797.

Dr. *Lushington* said, it was quite clear that since the erection of the cathedral there must have been some specific fund set apart for its repair, because it was impossible that it could have remained from that period up to the present, without receiving repairs. What, then, had become of that fund? Why should parliament be called on to furnish the means of repairing the cathedral, when it was clearly the duty of the bishop or the dean and chapter to do so? He defied the right hon. bart. to point out any instance in which parliament had been requested to tax the people at large for the sustentation of a church. The bishop had formerly built the spire. Now, it was clear, from this fact, that there was some regulation which bound him to do so; and the same regulation, he presumed, would apply to the repairs of the cathedral generally. He could not suppose that the building of the spire was a mere voluntary act. He could not suffer the *onus* of repairing the cathedral to be transferred from the dean and chapter, where it properly rested, to the shoulders of the people at large. Such was the criminal neglect of those under

whose superintendence the cathedral was placed, that it was suffered to fall into decay, and the service, for two years, had been actually performed in the Presbyterian meeting-house. Nothing tended more to bring the clergy into disrepute, than their overlooking the repairs of places of worship. It was quite unworthy of their character. The bishop was bound to compel measures to be taken for the repair of the cathedral. A letter, written by an hon. gentleman opposite (Mr. Dawson), on this subject, had been published in the newspapers. That letter contained an opinion which should have satisfied the promoters of the bill that it was an inexpedient measure, and ought to have induced them to abandon it. The sentiments expressed in that letter did credit to the feelings of the hon. writer. The whole of the bill was most obnoxious. He should therefore move as an amendment, "that it be read a second time this day six months."

Alderman Wood observed, that the Irish Society^r felt considerable objections to this measure. That society had been reproached for not advancing funds for the repairs of the cathedral, but they had no right to appropriate their funds to that purpose. A series of resolutions had been agreed to by the corporation of Derry, which reflected on the corporation of London and the Irish society. Those resolutions charged the corporation with holding estates, in perpetuity, to the amount of 8,000*l.* or 10,000*l.* a-year, and with laying out the money in eating and drinking. The fact, however, was different. The Irish society received, in perpetuity, 2,300*l.* a-year for property which was worth 20,000*l.* a-year. Almost the whole city of Londonderry, which belonged to the corporation of London, had been disposed of by very improvident persons, at a rate greatly below its true value. For his own part, he believed that some of their ancestors had received an Irish bribe. From the other leases, the Irish Society received 3,300*l.* These two sums of 2,300*l.* and 3,300*l.* were the total amount of their receipts, with the exception of the Fishery. It was let for 1,200*l.* a-year; but he could not prove, that individuals at the present moment were willing to give 6,000*l.* a-year for it. The Irish society had, out of this income of 6,000*l.* a-year, built a school and rectory on the Coleraine estate.

Mr. S. Bourne could not agree to es-

tablish such a precedent as would unquestionably be established if this bill were agreed to. It was the duty of the dean and chapter to repair the church. That was the primary object for which their revenues were granted. He recollected, when part of the cathedral of Hereford fell down, that it was repaired without any application being made to parliament for assistance; and it was a well-known fact, that the dean and chapter of Winchester were spending thousands annually on the repairs of the cathedral. How was it proposed to carry on the repairs of the cathedral of Derry in future? Why, the expense was to be thrown on the successors of the present dean and chapter. This, he thought, was not a very decorous mode of proceeding. In his opinion, the dean and chapter were not entitled to touch a farthing of their revenues until the cathedral was repaired. If a precedent of this kind were once established, it would be the means of inducing deans and chapters to neglect the repairs of those magnificent pieces of architecture, to which they were paying so much attention at present.

Mr. Littleton said, it was most disgraceful in those whose duty it was to repair the cathedral, to suffer it almost to fall, and then, with unblushing effrontery, to apply to parliament for assistance. The right hon. baronet had alluded to the cathedral of Lichfield; but the fact was, not only that bishop Cornwallis contributed to the repairs to almost the whole extent of his revenue, but that a great proportion of the chapter revenue, now and hereafter, was available for such repairs as were necessary. The dean and chapter of that cathedral would feel ashamed to come to parliament with such an application as the present.

Sir J. Newport said, that in consequence of the carelessness of those who should keep those sacred edifices in repair, many of the most ancient of them had vanished. Funds which should have been applied to the repairs of cathedrals had too often been appropriated to purposes of private emolument; and then the House was called on to furnish money for repairs, because no inquiry was instituted as to what had become of those funds. Sums were levied on entire parishes for this purpose; but from those parochial proceedings the whole body of the Roman Catholics were excluded. They were liable to contribute their money; but they

had no control whatever over the disbursement. It was a great hardship to throw the burthen of repairing a church on individuals who were of a different religion. It was a shame that, in so rich a diocese as Derry, it had become necessary to apply to the Presbyterian body for the use of their chapel. Gentlemen were taunted with entertaining a wish to degrade the church of Ireland; but, was it not degraded in the eyes of the community, by coming to parliament with such a demand as this?

Mr. *Dawson* said, he feared the citizens of Derry would be left without a place of worship, unless the House came to some prompt decision on this subject. At present, they had in fact no church; for it happened that the cathedral, which was in a dilapidated state, was the only church within the walls, and no service had been performed there for two years. The consequence was, that it was found necessary to apply to the Presbyterian congregation for the use of their chapel. The citizens were not able to repair the cathedral; and thus 7,000 or 8,000 people were without a regular place of worship. The difficulty of the case was, to devise some mode of giving them a church, without saddling them with the expense. A letter written by him had been alluded to. It was a letter written for a private and local purpose, and he was sorry that it had been published: but, as it had been given to the public, he was prepared to support the opinions therein stated. He thought the revenues of the church should, when it was necessary, be applied to the purpose of repairs. That this was not done, in the present case, was the more extraordinary, as the riches of that diocese were notorious. He concurred in the sentiments which had fallen from gentlemen. He trusted those sentiments would bring the dean and chapter to a proper sense of their duty. The intention of the bill was, to make the parishioners liable for present and future repairs; and he could wish, whether it was agreed to or not, that the House would take some step to see this ancient edifice put into repair.

Mr. *Plunkett* expressed his entire concurrence in the opinions of the hon. members. The church of Ireland ought to be vindicated from any participation in a measure of this kind. He was glad to have that opportunity of rendering justice to the bishop of Derry. It was but justice to

say, that there was not an individual who was more regardless of private interest, or who delighted more in works of charity and benevolence. He (Mr. P.) thought it was a most improper thing, that those economy funds, as they were called, were not sought after, and properly bestowed. Those funds, he believed, were frequently mis-appropriated. No person could do the church greater service at the present moment, than by showing the clergy the necessity of entrenching themselves on public opinion by their good conduct.

Sir *George Hill* expressed his deep regret, that a measure which he had prepared in consequence of the unanimous vote of vestry, and a liberal grant of the corporation, supported by a petition from the bishop, dean, chief magistrate, and principal inhabitants of Derry, and intended to accomplish so excellent and so necessary an object, should meet with such discouragement from the House as to prevent him from persevering in it. It was now clear, that the House disapproved of the measure, from an impression that the clergy had not done their duty. The occupation of some other place of worship than the cathedral could not be avoided, whilst the parishioners were putting on a new roof. The dean, who was a zealous, charitable divine, and constantly resident, was liable in this respect to no reproach. It having been believed, that Derry cathedral had no economy fund, and was no more than any other parish church in the diocese, this measure of creating one was resorted to. The diocese of Derry presented a body of clergy, not merely irreproachable, but, by their conscientious discharge of their professional duties, entitled to his humble praise. He did not believe there was in the whole diocese a single non-resident. With these explanations he would withdraw his motion.

The bill was withdrawn.

CORPORATE COMPANIES.] Lord Stanley having moved the second reading of the bill for incorporating the Manchester and Salford Loan Company,

Mr. *Huskisson* said, that he should certainly object to bills of incorporation, unless where charter was first regularly obtained from the Crown. This was the old and the regular course of parliamentary proceeding.—Having obtained their charter from the king in council, the company came to the House of Commons

for further powers; and he saw no reason for deviating from the established practice. Legislative incorporations involved numberless difficulties, many of which could scarcely be dealt with. A charter from the Crown might be revoked, if it was abused, or if the company failed to fulfil their undertakings with the public; but this could not be done in the case of a legislative enactment. To authorize an unlimited number of trading companies in such a manner, would be to do a material mischief to the country. He held in his hand the charter of the first company formed for lighting London with gas. According to the letter of that document, the power was given by the king and might be revoked in case the company abused it. Here, then, was a means by which that particular company could be dealt with; but how could government deal with about forty companies (not royally chartered) which had been since formed for lighting different parts of England by gas? companies were going on to form themselves into corporations for every purpose—no matter what—of trade. How was the public to proceed in case they neglected to fulfil their conditions? Parties might go to law, and get a verdict; but how and where were they to levy? He would not object to giving bodies who might be about to do business on a large scale, the power of suing and being sued collectively; but he certainly should oppose the taking every wild and idle speculation that might offer itself, out of the general operation of the laws of the country.

WEST-INDIA COMPANY BILL.] Mr. Manning moved the second reading of this bill.

Mr. *Huskisson* did not mean to say, that there might not exist a strong case on the part of this particular company for incorporation; but he could see nothing at present which took it out of the rule which he had just laid down. Without attempting to question the policy of incorporating a West-India company, he took the objection which he had before urged generally—that the origin of it was irregular, and that the parties must be required to begin with obtaining first of all their charter from the Crown; and if it should be found that its powers were insufficient, they would then be intitled to come to parliament either for the enlarging or confirming of those powers.

Mr. *Ellice* understood from the right hon. gentleman, that the gas bill to which he had referred had been granted conditionally; that was to say, if the company could not obtain a charter from the Crown then the powers of the bill were to be inoperative. Why not allow this bill to proceed upon the same conditions?

Mr. *Huskisson* repeated his objection to allowing any bill for incorporation, which was not preceded by a charter obtained from the Crown.

Mr. *Sykes* thought that the present bill could not be allowed to proceed to a second reading. He looked upon it as an aggressive and encroaching measure introduced under the modest garb of a private bill, to the great prejudice of the public interests. He could not at all conjecture how it tended to give any relief to the West-India proprietors, which they could not obtain quite as easily at present. His chief objections to it were on public grounds. He disliked the command which the accumulation of so large a capital as four millions would give the company over the West-India trade. He knew that no undertaking could be more hazardous than such an investment and it was a still stronger objection that the creditors of the company would have no security for their debts, excepting the property comprised in the act of incorporation. The separate members would be rendered individually irresponsible. Was it to be endured that the unfortunate people who might be induced to intrust them with their property without ever supposing that they were not responsible individually, should be left in a state so disadvantageous? He himself knew of parties who had sued a mayor and corporation and recovered from them: but still the mayor and corporation laughed at the success of the suitor, because their corporate property and responsibility only being in question, there was nothing upon which he could seize of sufficient value to meet his demand. Not one in a thousand who might deal with this company would be aware, that the members were not answerable individually for their debts. But they had more than this to dread. This influence of so formidable a company over the West-India trade would be extremely detrimental. What individual merchant could compete with a company possessing four millions of capital? Then it was to be observed, that this capital was to be divided into

40,000 shares at 100*l.* each. He did not wish to say any thing at present upon the West-India system; but he could not but observe, that, against the dictates of reason and sound policy, it was yet very strongly supported. It was a subject, the interest of which had crept into that House, and held many to it on both sides of it. He did not wish for the success of this new plan, which would tend to spread its influence over the whole population of the country, and by that means become a considerable accession of power in a quarter already too strong. It was a plan in short for enlisting 40,000 persons on the side of the present West-India system. What necessity could there be for making these new levies to serve under the banners of the West-Indian army? If money were wanted, it could be borrowed on terms quite as reasonable as this company could afford. The ulterior dangers, however, which were greatest, were those of injuring the West-India trade and the interests of our manufactures as far as they were connected with it, and strengthening another interest, which, with respect to justice and humanity, might be regretted as being already too strong.

Mr. *Grenfell* said, it was suggested, that the establishment of this company would tend to make the condition of negro-slavery in the West Indies worse than at present. If it should turn out, on examination of the subject at any future time, that he could be brought to that opinion, he would instantly withdraw his name from it. But as he thought there was a good opportunity for employing a portion of that capital which was now floating about for want of some opportunity of investment, he would support it; especially as he had heard nothing to induce him to believe that it would make the condition of slavery worse in the West Indies.

Mr. *T. Wilson* defended the plan, as one of peculiar accommodation to the West-India proprietors, who would, but for this establishment, be obliged to go hawking about their securities, and by that means incur the disagreeable suspicion of being in insolvent circumstances.

Mr. *W. Williams* would oppose the bill in every stage. How could a company carry on the business of plantations better than expert individuals? Did it become parliament to sanction the pretence of a more profitable investment of capital, which might sweep scores of help-

less families into its vortex if it should not be successful? But he chiefly objected to it because it offered an obstacle to the final abolition of slavery. It was in vain to look for any such result, if the estates in the West Indies should have to be managed by a company residing here, actuated solely by a sense of pecuniary interest, instead of being subjected, as at present, to the occasional visits of an enlightened and humane proprietor, educated with all the moral advantages which generally went to form the character of an English gentleman. Instead of this, should the company be incorporated, every thing would be left to sordid and unfeeling agents; and all the hopes which had been entertained in regard to the unfortunate slaves would give place to the abuses which had been the subject of complaint in parliament for thirty years past.

Mr. *W. Whitmore* strongly opposed the bill, because it threatened the freedom and general interests of the sugar-trade, and tended to establish a baneful monopoly. It was well known, that the West-India sugar market had produced an excess of the article for several years past, which was now, however, rapidly diminishing. Let this company once be established, and not only would the excess be diminished to nothing, but the public might be called upon to pay from 50 to 100 per cent beyond the natural value of the commodity. He thought it extraordinary, after the lamentable example of the South-Sea scheme, that there should be any attempt to renew the experiment. There should be the most unquestionable proof, before granting the charter, that there was no mode of carrying on the trade so safe or convenient as by an incorporated company. For want of this precaution, Adam Smith, in commenting on the South-Sea scheme, had asserted on the authority of a French author, that from the year 1680, to his time, there had been no less than fifty-five joint-stock companies incorporated in Europe, every one of which had failed.

Mr. *C. R. Ellis*, though indirectly interested in this question, would only give his consideration to it upon public grounds, upon which grounds he wished it every success. The House had it in their power to pledge his hon. friend, either to obtain a charter before the bill should come out of the committee, or to withdraw it altogether. He approved of it as an admi-

rable means for the employment of barren capital; and the names of successful capitalists in the direction gave a sufficient promise of advantage and success. He approved of the bill, because it tended to diffuse more widely a sense of the importance of the West-India islands, and because it would act as a caution among the people of this country, not to be too ready to interpose in the internal government of those colonies, to the evident risk of their natural interests; and he could not have anticipated that this would have been urged as any objection to the bill.

Mr. *W. Smith* said, that the system the colonies were pursuing, was one which must end in their complete ruin; and the effect of the measure now proposed would be, to involve them in far greater misery than what they now suffered. Looking at the proposed company only as a private one, he could not but think, that whatever advantages of local knowledge they might possess would be more than counterbalanced by the prejudices which might be supposed to actuate them. In nine cases out of ten, they would consider what might be the interests of the company rather than those of the planters. But there was another point of view in which this measure seemed still more objectionable. At present the West-India interests enjoyed the advantage of a monopoly of sugar, supported by a high protecting duty. Now, the only means by which this company could hope to gain any advantage from their enterprise must be by raising the price of sugar; and to this end they were to be allowed to buy and sell to the amount of four millions. This consideration, if it were the only one, ought to induce the House to pause before they agreed to the present bill.

Mr. *Huskisson* said, that if he understood that the bill was to have the operation which the hon. gentleman had ascribed to it, he should think it highly objectionable on the general principle. The hon. gentleman had argued as if the effect of the bill would be, to secure the whole trade of the West Indies to the company proposed to be formed. He had stated, that it could not fail to raise the price of sugar, because the company were to become great dealers in it; and with a capital of four millions, to unite in themselves a monopoly both as planters and as traders. This was, however, not the intention of the company. They did not propose to trade at all. They never in-

tended to become either the buyers or sellers of sugar, but to be in precisely the same situation as what were now called West-India houses of agency; that was to say, they were to receive the consignments of the produce of West-India estates, as West-India agents did, and in that capacity they were to sell them: but they were not, in any case, to go into the market as dealers, or to employ their capital for the purpose of dealing in West-India commodities. The authorities of Adam Smith and the Abbé Maury had been thrust forward, and all the arguments urged against monopolies and joint-stock companies had been applied to this. It was, however, not only no monopoly, but, when the circumstances in which the West-India interests were placed were fully considered, he thought the House would be induced to permit the plan to be carried into effect, in the hope of relieving those interests. He would not support any company, whose object it should be to raise the price of sugar by means of a monopoly. But, was there, at this moment, nothing in the condition of the West-India proprietors, that made it desirable for the House to encourage—if they could do so without the violation of any sound principle—any plan which should appear likely to afford them relief, by furnishing them with a loan of money? The occasional unproductiveness of their estates, and the consequently insufficient security, had prevented the owners from borrowing money at the legal rate of interest. He appealed to the landed interest of England, whether, if such a state of things prevailed here—if they were pressed by their creditors, and without the means of raising money—they would not gladly adopt an expedient devised for affording them relief, by a mortgage of their estates? This was the whole intent of the present bill. As it was admitted, that the loan of money would afford important relief to the West-India interests, and that individuals were disposed to furnish that relief, he was at a loss to guess upon what good ground it could be objected to. It had been said elsewhere, that nothing could be more likely to produce the amelioration of the condition of the slaves than the distress of the West-India proprietors. If he entertained any such belief, he might perhaps be induced to oppose the bill; but he besought the House to look at the situation of the planters, and to say, whether, unable as

they were to live but by means of loans at exorbitant interests, the slaves were more likely to be taken care of, than if a more prosperous state of things could be restored to the colonies? The distress of the masters must naturally aggravate the distress of the slaves; and any relief to the former would be relief to both; because it would enable and induce the masters to co-operate with the government at home to alleviate the condition of their slaves. With respect to the capital of the proposed company, he believed there were agency houses now in England, who employed nearly as large an amount. Upon these grounds, and without pledging himself wholly to the support of the bill, he thought it ought to proceed to the second reading.

Dr. *Lushington* objected to the principle of the bill, and reminded the House that if they consented to give this company what they now asked, it would be easy for them to obtain the sanction of the Crown to become a corporation. The right hon. gentleman had not stated, in the course of his observations, what was too well known; namely, that the colonies had been a losing concern for some years back; and he had no less carefully abstained from stating his own opinion, that this proposed advance of capital would be enough to keep the system alive. The legal rate of interest on West-India property was now 6 per cent; but, was that the rate at which money was ever lent? Was not, in reality, the interest on advances of money by consignees, and the insurance of the stores, nearer to 10 per cent? It was said, that West-India property was insecure. True, it was so; and why? Because the returns of the estates were insufficient, and therefore advances were never made but under the circumstances, and upon the terms he had stated. And how was the proposed company to relieve this state of things? It must be either by raising the price of sugar, or by their becoming the holders of the West-India estates. If they should become the holders of those estates, they would, in their character of mortgagees, be unable to exercise all that privilege of manumitting the slaves, which was exercised by the proprietors, and which was, in every point of view, of the deepest importance. There were other grounds upon which he felt obliged to oppose the bill. It empowered the company to lend money in any part of the globe; there

was no limitation to the West Indies nor to any other colony [Mr. *Huskisson* said, across the table, that any persons might, at present, lend money on any security they thought proper]. The right hon. gentleman was quite correct; any person might do so; but this company asked to do it under the authority of parliament, and in the form of a corporation. Besides, if so much good was to be expected from such a measure, why had it not already been tried? What had prevented those gentlemen who proposed to form the new company from having made advances? He objected particularly to that clause in the bill, which, under certain circumstances, would enable the company to hold the estates on which they were to lend money, in mortua manu, until the attorney-general should file an information, or a foreclosure of the mortgage should be decreed by a court of equity. He should certainly vote against the further progress of the bill.

Mr. *F. Buxton*, after the length to which the discussion had proceeded, would, in a few words, enter his protest against the measure, as highly detrimental to the interests of the slaves. In the first place, by enhancing their value, it would make the chance of their manumission more remote; and in the second, by placing them in the power—not of their owners, but—of persons who would not have the power, even if they had the inclination, to give them their freedom, it would render their situation far more hopeless than it was at present. He should, therefore, feel it to be his duty to oppose the bill at every possible opportunity.

Mr. *Wilmot Horton* was convinced that the bill would be rather beneficial than injurious to the slaves. If by any means the value of West-India property was increased, and if at the same time the slaves were allowed to work out their freedom, the increased value given for their labour would the sooner enable them to accomplish their emancipation. His learned friend had contended, that the bill would cause a forced influx of capital into the West-Indies. Now, it would not cause an influx, but a transfer only. There was no difference, as regarded the quantity of capital, whether the mortgages of West-India property were in the hands of individuals, or of a corporation; but, if the West-India proprietors were pressed upon by the private mortgage, it might be a great relief to him to be able to transfer

his mortgage to a company, which could deal with him liberally. He saw no difficulty in adopting the principle of the bill; which was merely to allow a company to make advances of money in a manner in which it was now perfectly lawful for individuals to make them.

Mr. *Evans* said, he felt it his duty to throw every obstacle in his power in the way of the passing of this bill. The supporters of it professed to raise the value of West-India property. He could not conceive how this could be done, without raising the price of the produce; unless, which the projectors disclaimed, by lowering the duties on sugar. The bill gave to a greater number of persons in this country, an interest in the West-India colonies, and would thus render more difficult any improvement in the condition of the slaves.

Mr. *Manning* supported the bill, and said, that it would only enable the company to do collectively, what the members of it might now do individually.

Mr. *Sykes* apprehended, that the immense capital of the company, and the influence which it would consequently procure them, would enable them to obtain a monopoly of the market for West-India produce. The West-India merchants already possessed a monopoly of the home-market; there would, therefore, be a monopoly within a monopoly, an *imperium in imperio*. Another consequence of the passing of the bill would be, an increase of the quantity of sugar; which could not, he conceived, be beneficial to any party. Under these circumstances, he would move, "that the bill be read a second time this day six months."

The House divided: For the second reading 102: Against it 30.

REPEAL OF THE ASSESSED TAXES.]

Mr. *Maberly* rose, to bring forward his motion for the Repeal of the Assessed Taxes. It was his intention, he said, to deal with this subject on the largest possible scale. He should first take a view of the financial statement of the chancellor of the Exchequer, and should then lay before the House his own views of the sinking fund, and endeavour to demonstrate the absurdity of continuing it. From the view which the right hon. gentleman had taken of the revenue and expenditure of the country for the next four years, it was evident that there was no chance of a repeal of taxation to any extent until

the year 1829. The right hon. gentleman had calculated, from an estimate of the revenue and expenditure for four years, that we should have a balance for that period of 4,135,999*l*. The right hon. gentleman had not included in this estimate the savings which would arise from the reduction of the interest of Exchequer bills from 2*d*. to 1½*d*., which would amount to about 700,000*l*. for the four years. The statement would then stand thus. The surplus for four years over and above the expenditure, without reference to the sinking fund, would amount to 4,135,999*l*. The estimate of the amount of sinking fund for four years would make a total of 21,515,832*l*. Now, if he added the savings arising from the reduction of the interest on Exchequer bills amounting to 700,000*l*. the total balance of surplus over and above expenditure for four years would be 26,351,831*l*. Now, the right hon. gentleman proposed to apply 5,000,000*l*. to the purchase of unfunded debt; the other part of the surplus was applied to the reduction of taxation—in the articles of rum, 150,000*l*.; coals, 100,000*l*.; wool, 350,000*l*.; silk, 462,000*l*.; making a total of 1,062,000*l*. There was also the reduction of taxes on law proceedings; but this reduction, the right hon. gentleman had stated, would not affect the financial statement which he had originally made. Subsequently, the right hon. gentleman had decided, that it would be expedient, in order to do justice to silk-dealers holding stock in hand, to repay duties to the amount of 500,000*l*. From this statement, it appeared that there would be an available balance, over these four years in favour of the state, amounting to 22,133,931*l*.; a balance which would be sufficient to relieve the public from the burthen of the taxes which he proposed to repeal. The amount of available surplus in each year would be 5,533,482*l*. Having laid before the House this statement of the finances of the country, he trusted he should satisfy the House, that if they would forego the sinking fund, all the taxes which pressed most heavily on the country might be repealed. It would not be necessary for him to dwell on the arguments which had been brought forward, to shew the benefits of the sinking fund, because, in point of fact, from 1792 up to 1819, there had been no sinking fund in this country. Of late years, people had grown wise enough to believe, that a sinking fund meant an ex-

cess of revenue over expenditure. Now, as the public debt in 1792 amounted to upwards of 200,000,000*l.*, and in 1819, to upwards of 800,000,000*l.*, how could any man argue, that there had really been a sinking fund, during a period in which there had been an accumulation of 600,000,000*l.* of debt? If the country had increased in prosperity, that prosperity must be attributed to other causes, and not to the existence of a sinking fund during the period to which he alluded. In 1819, it was deemed expedient to put on taxes to the amount of 3,000,000*l.* for the purpose of keeping up a sinking fund of 5,000,000*l.* Since that period, the sinking fund had been operating, not indeed to that extent, but to an extent which he should presently state, up to the 5th January, 1824. The funded debt of Great Britain and Ireland amounted, on the 5th Jan. 1819, to 791,867,313*l.*, and the interest payable on this nominal debt, amounted to 29,355,974*l.* Taking this interest at 25 years purchase, at the rate of value from the price of the funds of that day, the real money debt due from the country in 1819, amounted to 733,899,350*l.* Since 1819, we had reduced 9,592,174*l.*, leaving the present nominal amount of funded debt, 782,275,139*l.* The interest upon the debt in 1823, amounted to 27,689,882*l.*, making a reduction of interest to the amount of 1,666,092*l.* since 1819. The application of the 5,000,000*l.* to the reduction of the debt, had effected nothing, in comparison with the progressive improvement which had taken place in the country, arising out of the increase of capital, and the industry and talents of the people. But, how stood the money value at present? It was no less than 152,176,874*l.* more than it was in 1819; to diminish which, the sum of 5,000,000*l.* annually would be like a drop of water taken from the sea. In point of fact, of what consequence was it, whether the debt amounted to 100 millions more, or 100 millions less, as far as the public was concerned? It was to the interest of the debt and the reduction of it, that the country must look for relief. Now, he happened to think, whether rightly or not, at least honestly, that by taking this sum of five millions annually out of the pockets of the people, we retarded, instead of accelerating the period, when we might arrive at a reduction. He was perfectly aware, that five millions of money taken

annually from the people, and appropriated to the reduction of the debt, would redeem five millions; but, in the present state of the funds, it would redeem no more. Now, it was absurd to suppose that the maintenance of public credit required this annual draught upon the resources of the people. If public credit was in a tottering condition, then, indeed, it might be deemed necessary; but, in the present state of things, it was entirely a matter of expediency; and the simple question was, whether it was or was not expedient to continue this mode of reducing the national debt? It was a matter of trifling importance, as far as the argument was concerned, whether this sum of money was sacred, or expended by the public. If it was spent in articles of consumption, then, of course the public would lose the most; but if they applied it to some object of re-production, then the public would be most materially benefited. If a large portion of this sum was invested in re-productive objects, he contended, that the capital of the nation would be increased to a much greater degree by repealing those taxes than by continuing them. He did not mean to assert, that the benefits which he anticipated, would arise to-day or to-morrow; but he maintained, that there was every fair expectation, if the country continued in a state of peace, and capital should go on accumulating as it had done, we should arrive much sooner by repealing than by continuing those taxes, at the period when we should be enabled to reduce the interest of the 3 per cents. The 3 per cents amounted to 527 millions; the interest of which was 15,810,000*l.* If we remained at peace, there could be very little doubt that the government would be enabled, in a short time, to reduce the interest of the 3 per cents. If the interest were reduced to $2\frac{1}{2}$, a saving of 1,330,000*l.* would be effected; but if it were reduced to $2\frac{1}{2}$, the saving would be 2,635,000*l.*—He thought it necessary to say a few words respecting the danger of trusting the chancellor of the Exchequer with a large surplus. In such a case, the estimates were never cut down so low as they ought to be. Every one knew, from his own experience, that, when a private individual possessed a considerable surplus of income over expenditure, he became imprudent and extravagant. Although the chancellor of the Exchequer had repealed part of the assessed taxes, he believed the expense of

collection was greater now than it had formerly been. Another proof of the impropriety of trusting the chancellor of the Exchequer with a large surplus was to be found in the improvident bargain which he had made respecting the dead weight, by which the country had lost 2,000,000*l*. When the right hon. gentleman had stated that he wanted 900,000*l*. for churches, palaces, and pictures, there was a strong feeling in the House that the wants of the country had been trifled with.—He would now state to the House the taxes which he proposed to repeal. They were the house and window duties, the horse and agricultural horse-tax, the tax on carriages and carts, the tax on coachmakers' licenses, the tax on hair-powder and armorial bearings, the composition for the above, &c., amounting altogether to 3,560,000*l*. a year. If the House should think proper to vote for the repeal of those taxes, he could see no reason why the whole expense of collecting them, amounting to 300,000*l*., should not also be got rid of. If the taxes should be repealed, there could be no pretence for retaining any part of the expense of collecting them, except for retired allowances to those who had been engaged in that service. He would be the last man to propose that a servant should be turned adrift without reward, because his services were no longer required. It was not by such paltry savings as might be effected by such a proceeding that the country would be benefitted. On the contrary, he thought that men who had spent a considerable portion of their lives in the public service, should be adequately provided for, when the period of their retirement arrived. There was no chance that the chancellor of the Exchequer, if left to himself, would remit the taxes now proposed to be repealed. That, indeed, was pretty evident from what had occurred, shortly after the late repeal of a portion of the house and window duties. At that time, the commissioners of taxes sent letters to the assessors, directing them to survey the houses in the district, and telling them, that if they used their utmost diligence, and increased the amount of the returns, they would be favourably recommended to the Treasury. This proceeding had created the utmost alarm throughout the country, and representations poured in upon government on the subject from all quarters. The chancellor of the Exchequer, under those circumstances, had

wisely put a stop to the proposed survey, which he declared was only thought of for the purpose of equalizing the duties. But, if there was any import in words, the object of the commissioners of taxes was to increase and not to equalize the duties. The assessed taxes must be considered as direct taxes. But, how would the House receive a proposition for the imposition of an income or property tax; which was the only fair mode of direct taxation? The House, he believed, would scarcely allow such a plan to be stated. The strong feeling which prevailed against assessed taxes was owing to the inquisitorial system by which they were collected. The whole of the machinery by which they were collected was most oppressive. In three-fourths of the cases in which penalties were incurred on account of not filling up the returns, people erred, not intentionally, but from ignorance. Poor people were frequently deterred from appealing against the decision of the collectors, on account of the loss of time which generally attended such a proceeding. It might be said, that carriages were articles of luxury, and therefore were proper objects of taxation. But, looking-glasses were quite as much articles of luxury as carriages, and yet the former did pay an annual duty, whilst the latter did not. The hon. member then alluded to Ireland, which was relieved from the assessed taxes. In Ireland, the taxation amounted to no more than 10*s*. per head, whilst in England it amounted to 3*l*. 10*s*. per head. Nearly the whole expense of Ireland fell upon the people of England. This was to be attributed to the want of employment which prevailed in that country. He feared that if some mode of relieving the distresses of Ireland was not devised, she would become a dangerous enemy to England. The unfortunate situation of Ireland would induce her to rebel, and to place herself under the protection of any foreign power that appeared to sympathize with her sufferings. Although he proposed to repeal upwards of three millions of taxes, relief would be afforded to the country of nearly four millions. But, then, would there be an entire loss to the revenue of 3,500,000*l*? He thought not. It would of course lose a proportion, but he thought it would not be more than 3,000,000*l*.; and this would still leave the country a surplus of 2,500,000*l*. This repeal would produce increased consumption, and many other advantages, besides

the health and comfort to the people, by the removal of the window-tax. He should now beg leave to propose the following resolutions:—"1. That it is expedient, that from and after the 5th day of January 1825, the duties now payable on houses and windows should cease. 2. That it is expedient, that from and after the 5th day of January, 1825, the duties on servants, carriages, carts, coachmakers', licenses, horses, mules, together with all compositions for the said duties, should cease."

The first resolution being put,

Mr. *Leycester* said, he was anxious to abolish a system which had converted the sturdy squire into a pliant place-hunter. He looked upon the sinking fund to be as mischievous as the restrictions upon free trade. It might be necessary for Russia, Prussia, and Austria, whose despots would soon imitate the conduct of Ferdinand of Spain, to adopt such a system; but for this country, whose resources and public credit stood so high, to persevere in its continuance was absurd and mischievous. As to the debt, there were two ways of dealing with it. One way was, to diminish the debt itself; the other, to increase the wealth of the debtor. In neither of these ways would the keeping up of a sinking fund operate. It was an artificial proceeding altogether unworthy of this country, and therefore with great satisfaction he seconded the motion.

The *Chancellor of the Exchequer* said, that the hon. mover had merely agitated the same question, which had come under the consideration of the House about six weeks ago, upon a motion made by the hon. member for Westminster. Upon that occasion he had stated the reasons why he could not consent to the repeal of the assessed taxes, and nothing had since occurred to invalidate those reasons. The grounds upon which the hon. member for Westminster rested his motion were precisely similar to those which the hon. member for Abingdon had just advanced in support of his propositions. The hon. member for Westminster, however, had not been able to persuade the House to agree to his proposition, and he could see no reason why the efforts of the hon. member for Abingdon should be attended with a happier result. He was not quite accurate when he said that the motion of the hon. member was precisely the same as that which had been made by the hon. member for Westminster. The latter

hon. member had proposed the repeal of the house and window duties only, but the hon. member for Abingdon wished to extend the repeal to every other article constituting the assessed taxes. If the arguments which had been used, applied with any strength against a motion which had for its object a repeal of taxation, to the amount of two millions, they must apply with greater force to one which was intended to effect a repeal of taxes to the extent of three millions and a half. The hon. member had asserted, that the sinking fund, or, more properly speaking, the excess of revenue over expenditure, had produced no diminution of debt. The hon. member had compared the amount of the debt at the present moment with its amount in 1819. That was not a fair mode of dealing with the subject. He should have gone back to 1816, when a surplus of revenue first existed. Since 1816, 25,000,000*l.* of funded debt had been redeemed, together with 14,500,000*l.* of unfunded debt. This reduction had been effected by means of the surplus of revenue over expenditure, let it be called by what name, or nickname, it might. The hon. member had also alluded to the Exchequer bills which, on the first of January, 1816, were, for great Britain and Ireland, 52,082,000*l.* They now were 34,944,000*l.* Besides this, it was perfectly true that there was a considerable diminution of charge, for which they were indebted to the sinking fund. He alluded to the reduction of the interest; for though it might be thought that that was not referable to the sinking fund, yet it was impossible to say, that the sinking fund had nothing to do with that saving; for had not the sinking fund been in existence, he doubted if he would have been in the situation to have allowed of the operation taking place. The hon. member said, that by adopting his plan, it would give such an elevation to the funds that they might be enabled to reduce the interest of the 3 per cents. He (the chancellor of the Exchequer) could not say what the pleasure of parliament might be under the circumstances stated, but this he knew, that with the sinking fund they had reduced the interest of the debt 1,700,000*l.* There were many knowing persons who were speculating on the advance of the 3 per cents to par, and the hon. member seemed to think that a probable result of his plan. But, was the existence of the sinking fund to preclude

that? On the contrary, were not the funds in that state to lead to the probability of greater reductions? He did not think the hon. member had made out a very strong case against his old friend the sinking fund. The hon. member had told the House, that they had the gloomy prospect of no further reduction of taxation for the next four years. Now, he would rather not deal in prospects either gloomy or brilliant. But he would suppose last year, when 3,200,000*l.* of taxes were remitted, the hon. member might have said, "Ay, this is all very well, but if you keep the sinking fund you can repeal no more taxes;" yet 3,200,000*l.* had been repealed, and they were now in the situation of repealing 1,250,000*l.* more. If the increasing prosperity of the country would do what the hon. member said it would do, he (the chancellor of the Exchequer) would find himself in the same situation as he had already been, when his conduct would be guided by the same principles as hitherto it had been. Every principle that he had laid down must lead to the conclusion—which indeed he had always expressed in the most unreserved manner—that if a tax was very high, in proportion to the value of the article, it was per se a very good thing to get rid of such tax. He hoped, therefore, the House would not be led away by the statements of the hon. member, but that they would refer to the principles on which he had already acted.—One word on the subject of the house-tax. It had been reported to him, that, in many parts of the country, the tax was unjustly and unequally levied; houses of the same size and quality—in the same street, being differently rated. This appeared to him to be the very essence of injustice, though no one was charged more than the law allowed; and he had considered that, on a re-survey, the increase in the total amount would have enabled him to have proposed a general decrease of taxation. In that view he had directed the re-survey; but when he heard that it was complained of, he gave directions that no surcharges should be made.

Mr. Hume said, the right hon. gentleman had made some observations which had much surprised him. He had, on a former occasion, stated the reduction of debt to be 24,000,000*l.*, but he had now advanced it to 39,000,000*l.* How he had arrived at that conclusion it was impossible to say. The amount of surplus from 1816

up to last year, was only 7,000,000*l.*, and the difference of figures must arise from the change of the denomination of the stock. During that period, also, we had been borrowing money on deferred annuities, which the right hon. gentleman had not taken into the account. He would pledge himself to prove, that the assertion of the right hon. gentleman, that there had been a reduction of 39 millions, and a corresponding reduction of interest, was entirely unfounded. The aggregate of the surplus of the different years did not amount to so much. It was, in fact, a very small sum. The right hon. gentleman hoped that the House would not be so inconsistent as to accede to the motion; but the House had already sanctioned greater inconsistencies. They had declared, that not a shilling of taxes could be repealed, and yet the right hon. gentleman was now taking credit to himself for the amount of taxes which had been taken off. What had taken place since the motion made by the hon. member for Westminster? Since that period the table of the House had been covered with petitions, praying for the repeal of those taxes; and the House was bound to consider whether the prayer of the people could not be complied with. Taking the sinking fund, which the right hon. gentleman called the surplus fund, at three millions, he would ask, was it fit that it should be employed in paying off the three per cents at 96, 97, and 98? Could any person suppose that would be of the same utility as if it were remitted from the general burthen of taxation? If it were considered, that the assessed taxes were the impediment to the return of thousands, or perhaps tens of thousands, of persons at present residing abroad, that alone would be sufficient to induce the right hon. gentleman to repeal them. If the right hon. gentleman would extend his liberal views on commercial subjects to affairs of finance, he would find that the three millions, if left in the pockets of the people, would be productive of ten times the benefit they were of at present. The public credit stood too high to need any such bolstering up as the sinking-fund. Besides, it was a matter of great concern to be relieved from the expense of collection; exclusive of exactions, which never could be entirely prevented.

Mr. Alderman Heygate felt it his duty to state his reasons for not voting for the motion. He disliked the assessed taxes

as much as any one. He thought them bad in principle, and odious in practice. They brought the people into constant collision with the government. They harassed the country with surcharges and appeals. They maintained a whole army of assessors, surveyors, inspectors, and collectors, and, unlike the indirect taxes, they interfered with the comfort and retirement of every householder. Until they were repealed, peace could not be said to have produced its full effect. He would venture to add, that the country was more grateful to ministers for the repeal of one half of them last year, than for any other measure of their government. But the House was pledged to the maintenance of a sinking fund. So lately as 1819, they had, by a large majority, declared it to be essential to the public safety. To the sinking fund we were mainly indebted for the important reductions of the interest of the debt. To it, if honestly maintained, we might look for a reduction of the 3 per cents at no distant period. But without this, he trusted, that by the reductions just effected, the growing increase of the population and revenue, and the utmost economy in every public establishment, we might reasonably look shortly to a repeal of the most odious of the assessed taxes. This object he had always had in view, and had therefore not been friendly in general to the repeal of indirect taxation, firmly believing that every such repeal placed at a greater distance that of the assessed taxes; which were so odious to the feelings of a free and enlightened nation.

Mr. *N. Calvert* said, there was a general cry in the country at present for cheap labour, cheap bread, and cheap manufactures, and he did not know how these could be cheap, unless the things which the labourer consumed were cheap. He would therefore rather see the taxes on soap, leather, and salt reduced, which particularly pressed on the lower classes, than the assessed taxes. He therefore felt himself compelled to vote against the motion.

Lord *Milton* said, he would vote for the motion upon this principle—that the only chance there was of driving ministers to a general repeal of taxes, was by voting for the repeal of every particular tax that it might be proposed so to deal with.

After a short reply from Mr. *Maberly*, the House divided. Ayes 78: Noes 171.

List of the Minority.

Althorp, lord	Osborne, lord F. G.
Anson, hon. G.	Palmer, C.
Barrett, S. M.	Palmer, C. F.
Becher, W. W.	Pares, T.
Bernal, R.	Poyntz, W. S.
Birch, J.	Portman J. B.
Bond,—	Proby, hon. G. L.
Bright, H.	Pryse, P.
Brougham, H.	Ramsay, sir A.
Calcraft, J.	Rickford, W.
Calvert, C.	Robarts, G. J.
Carter, J.	Robinson, sir G.
Caulfield, hon. H.	Rowley, sir W.
Cavendish, C. C.	Russell, lord W.
Chaloner, R.	Scarlett, J.
Craddock, S.	Scott, J.
Davenport, D.	Sefton, earl
De Crespigny, sir W.	Shelley, sir J.
Denison, W. J.	Smith, hon. R.
Denman, T.	Stanley, lord
Dundas, hon. T.	Stewart, W. (Tyrone)
Folkeston, visc.	Stuart, lord J.
Gordon, R.	Sykes, Daniel
Grosvenor, hon. R.	Talbot, R. W.
Heron, Sir R.	Taylor, M. A.
Hobhouse, J. C.	Townshend, lord C.
Honywood, W. P.	Tynte, C. K.
Hornby, E.	Ware, J. A.
Howard, lord H. M.	Western, C. C.
James, W.	Whitbread, S. C.
Jervoise, G. P.	Whitbread W. H.
Knight, R.	Williams, J.
Lambton J. G.	Williams, T. P.
Leycester, R.	Williams, W.
Maberly, W. L.	Winnington, sir T.
Marjoribanks, S.	Wood, M.
Maxwell, J.	Wrottesley, sir J.
Milton, visc.	TELLERS
Monck, J. B.	Maberly, J.
Moore, Peter	Hume, J.
Newport, sir J.	

HOUSE OF LORDS.

Tuesday, May 11.

ALIEN BILL.] Lord *Holland* said, he had a petition to present, from the corporation of the city of London, praying that the Alien Bill might not pass into a law. The petitioners apprehended greater danger from passing this bill now than at any former period; for they were of opinion, that it was proposed on grounds likely to involve this country in war. They further objected to it, that it countenanced the charge, that the government of this country was a party in the general conspiracy of the continental despots against freedom.

The Earl of *Liverpool*, on the order of the day for the second reading of the Alien bill, rose to address their lordships on that measure. He observed, that the subject

was one which had often been under their lordships' consideration, and that it could not be necessary now to enter at length into the topics connected with the bill, all the arguments for it having already been repeatedly urged by himself and others. He was, however, so far from agreeing with the petitioners, that the change of circumstances rendered the bill unnecessary, that he saw in that very change circumstances which afforded an additional argument for continuing it. On former occasions, when this bill had been before the House, a great deal had been said concerning the right possessed at common law by the Crown, to remove aliens out of the country. In his judgment he had never met with any argument which refuted that in favour of the common-law right of the Crown. He therefore remained convinced that the Crown possessed the right of sending, not only alien enemies, but all other aliens at any time out of the country. This, however, could only be done in a very clumsy way, if left to the exercise of the prerogative. If it was to be done by indictment, or any other circuitous mode, the requisite promptitude could not be obtained. Hence a legislative manœuvre was necessary to regulate the manner of exercising the right which was vested in the Crown. It was on this ground that the original Alien bill was passed in 1792. It was introduced, not in a time of war, but during peace, and when there prevailed an anxious desire for the preservation of peace. He was, however, ready to admit that there existed then special circumstances which did not exist at present, and which might be thought to afford some additional argument in its favour: but, in the main point, the cases were alike. The original bill was introduced to prevent the mischief apprehended from revolutionary principles. The object then was, to prevent the same evil which was intended to be guarded against by the present bill. It was continued after France, the country against which the measure was principally directed, declared war against England, when it might be said to have been less necessary; because, whether the Crown had or had not the right of removing aliens generally, it certainly possessed that of expelling alien enemies, or of making them prisoners of war, if the latter course should be preferred. Having said thus much on the origin of the measure, the sole question

which remained was, whether there existed sufficient reason for renewing the bill in 1824? And he was perfectly willing to allow, that if he could not show that it was of importance to the public interest that the measure should be continued, it ought not to pass. The bill, he could assure their lordships, was not introduced, as had been asserted, for the purpose of conciliating foreign powers. It was introduced solely for British objects and British interests. If he did not fully establish this, he felt that he should not lay a sufficient ground for adopting the measure. Their lordships had lived and still did live in a time when there prevailed a great desire for political experiments. They existed in an age of revolutions, when every country around them had been more or less convulsed, and when those convulsions had grown out of opinions propagated within their own memories, and which extended into countries where no revolution had been experienced. It was surely the duty of government to guard against the danger arising from such opinions; and the nature of the danger to be apprehended by certain states had been fully admitted by a noble baron, who had described the contest for political reform now going on, to be similar to that, which two centuries ago took place for a religious reformation. If, after having witnessed all the convulsions which the propagation of revolutionary opinions had produced in Europe; if, after having seen the country engaged for twenty-one years in a most arduous war, in consequence of those opinions; and if, after looking back at all the dangers through which the country had passed, he were one of those who still feared the effects of such doctrines, he confessed he should not feel particularly ashamed on that account. Such a feeling was one which would prevail among men from an anxious wish for the preservation of the peace of the country, and the security of their families. On the advantage of preserving the peace of the country there could be no difference of opinion. Upon that subject he might quote not only the opinions of the friends of high monarchical doctrines, but of those who were quoted as the advocates of popular principles and vindicators of the rights of mankind. He remembered a right hon. gentleman, whose opinion the noble baron opposite would respect, having, on the question of peace, made a very remarkable quotation

—a quotation which he repeated on more than one occasion. It was “*iniquissimam pacem, justissimo bello antefero.*” For his own part, he was not disposed to go quite so far, though he would make great sacrifices for the preservation of peace, and not less to guard against those revolutionary principles which had been productive of so much evil. With respect to the interference of foreign powers in the affairs of any state, no person more condemned it than he did. But, why did he so condemn it? Upon the same ground on which he had condemned the pretensions of the convention of France. His disapprobation was founded on the general principle, that every country was the sole judge of its own concerns; but it did not follow that governments were not to take precautions against the dangers they might have to apprehend from the influence of opinions, or other circumstances. With these feelings, and considering that their lordships lived in times in which, from what had passed, they might expect to see attempts at revolution made in other countries, whether with success or not, he could not think that he was wrong in urging the adoption of a measure tending to secure both external and internal peace. There had been no instance, since 1792 to the present moment, of any revolutionary convulsion, in which the unsuccessful party did not look to this country as a place of refuge; and sorry should he be to see that refuge refused. But their lordships must be aware that, in consequence of maintaining this principle of hospitality, a pretext was afforded for applications from foreign powers. An instance of this kind occurred in 1802, when a sweeping demand was made by a foreign government, which was resisted as all such demands ought to be. There was, then, nothing in the present measure which could induce persons desirous of taking refuge in this country to suppose that the rights of hospitality would be denied them; but at the same time it was necessary to take care that those individuals should not be permitted to make this country a focus of conspiracy and revolt against foreign governments. The aliens well knew the situation in which the government of this country stood: they were aware, that from the control which public opinion exercised in this country, they were in no danger of being vexatiously arrested, or in any way unjustly dealt with; but if they persisted

in making this country the seat of conspiracies, it was fit that the government should have the power of removing them—it was fit that means should be afforded to prevent the acts of individuals from compromising the peace of the country. The fair question for every man to put on the bill was, whether there was any danger of the power it granted being abused? or whether the advantages of the measure were not more than equivalent to that danger? There the whole question stood; and there he was disposed to leave it. The argument for the bill was, in his mind, very much fortified by what had passed elsewhere and occurrences which had taken place with respect to matters not remotely connected with the objects of this measure. He never would say that in this country every person was not entitled to hold his own opinion as to what was going on in other parts of the world; but, at the same time, he was not one of those who when the government of this country was neutral, thought it allowable for any portion of the people of this country to take a hostile part against one of the contending parties; or that it was justifiable for any persons in this country to assist a party in another against its government. If, however, any thing of this kind had taken place, that circumstance afforded an additional reason for adopting the present measure. It was surely desirable that the government should not be placed in such a situation with respect to other powers, not only on account of its own subjects, but on account of the subjects of other states. He called for the assent of their lordships to the bill, solely on the grounds of British interests and British security; among which the preservation of peace, and the maintenance of good faith with other powers, were the most important. But, how was peace and good faith to be maintained, if the government did not possess the means of putting down the machinations carried on by aliens against foreign states? Ministers had been accused of wishing to possess an arbitrary authority; but they had no desire to exercise a power which could not fail to embarrass them. If they consulted their own feeling and their own convenience, they would rather be without it; but they could not, consistently with their duty, deprive themselves of the power of checking the machinations and conspiracies which might be carried on by aliens in this

country. This was all that was asked; and the power necessary for this purpose, he conceived, had, by the constitution, belonged to the Crown in all times; but if it had not, it ought. The only solid objection which had ever been urged against the measure would be done away by the present bill. Many aliens who had come to this country had settled in business, or lived for so long a time in it, that they deserved in some measure to be treated as subjects. It was therefore intended, that the bill should not apply to any person who had lived seven years in the united kingdom. Thus, the only reasonable objection to which the bill was liable no longer existed. The noble lord concluded by moving, "that the bill be now read a second time."

Earl *Grosvenor* opposed the motion, on the ground, that to make aliens subject to any other laws than those which applied to natural-born subjects was unjust. He concurred with the Lord Mayor and Common Council in thinking the bill highly unconstitutional. Enormous as the power given by the bill was, he did not much apprehend that it would be abused; but, however mildly it might be exercised, it ought not to be granted. What he above all objected to was, the motive for introducing the bill. It could not be doubted, that it was brought forward in consequence of an understanding between his majesty's ministers and certain foreign governments. He had, on some former occasions, supported an alien bill, because he conceived, that the peace of Europe could not be consolidated without some measure of the kind. His opinion had been altered with the altered circumstances. The dangers that were now to be apprehended were dangers not to sovereigns but to their subjects. The conspiracies which were now formed were not conspiracies against legitimate government, but against civil freedom. Seeing this, he could not support the present bill. In compliance with the policy of foreign powers, we had, eighteen months ago, gone the length of advising the Spaniards to make a change in their constitution—advice which, if it had been followed, would have involved the persons at the head of the Spanish government in irretrievable ruin and disgrace. He was against the interference of this government with that of any other state; and, for the same reason he would resist the claims of foreign powers to interfere

with us. It had indeed been in defence of the measure, and as a means of disarming the repugnance of their lordships to its enactment, that the powers which it had given to ministers had never been abused. But, its very existence was a general abuse, and, therefore, he would oppose the bill by every means in his power.

The Earl of *Darnley* said, that he had on former occasions supported an alien bill as a war measure, but he now gave it his decided reprobation. It was disgraceful to continue a measure of this kind one day beyond a clear and well-proved necessity. While it offered no security or protection to the country, it alarmed foreigners who might be attracted to our shores, and justified foreign governments in their injurious treatment of British subjects. He could name a foreigner who had friends and connexions in England, and who being invited to come to pay them a visit, replied, "I shall never see England so long as your alien act exists." He rose, however, not to oppose the bill by arguments, but to ask of ministers, whether a pledge would be given that it would not be renewed after the end of two years? There seemed to him to be no danger to the peace and tranquillity of Europe, from the most unrestricted admission of foreigners into this country. Suppose among their numbers there should exist some persons disposed to enter into conspiracies against the peace of the states they had left, could not ministers suppress their attempts without an alien bill? In such extreme cases, could not the government act on its own responsibility, and trust to parliament for an indemnity? Would it not be better to make such instances an exception to the general law, than to legislate for such exceptions, and on account of the possible arrival of a few turbulent foreigners, to establish the character of "*Britannos hospitibus feros*," by subjecting all foreigners indiscriminately to apprehension, inconvenience, and vexation. The noble earl concluded by stating, that he would oppose the bill.

Lord *Calthorpe* said, he had opposed the Alien bill on former occasions. He did not do so because he was afraid that its powers would be vexatiously exercised but because he saw no ground for their exercise at all. In this country, every proceeding of the government was so open to public animadversion, and every prero-

gative of the Crown so controlled by public opinion, that no minister, however inclined to abuse his trust, could do it with impunity. The individuals to whom the powers of the bill had been intrusted, rendered it impossible for him to feel any apprehension from them on former occasions when he opposed it; but he opposed it, because there did appear then to exist such a degree of misunderstanding between this country and foreign states, that if an alien act was intrusted to ministers, we might embroil ourselves with the government of those states, if we refused to execute it in their favour, by declining to remove from England any individuals obnoxious to their displeasure. This objection with him would exist still, if the same principles presided in the direction of our policy. But, a great change had of late been produced in this department. Our foreign secretary had pursued British objects. Foreign powers had been made aware of this alteration, and were therefore not likely to require compliances from us which we might be bound to refuse, or that would disturb the harmony which prevailed between us and them. The powers of the bill might therefore be granted to government, as a means of enabling it to protect from disturbance the tranquillity of allied states, by checking conspiracies against them in this; while those states having been now made acquainted with the difference between our policy and theirs, could not be supposed to prefer claims that might lead to any misunderstanding. By allowing ministers to yield to foreign powers on friendly representations being made, we best consulted our own peace and the tranquillity of Europe. He therefore would vote for the bill; though he would not have done so if our foreign policy had not been changed.

The Earl of *Carnarvon* said, he was curious to know what could be the ground of the change in the noble lord's opinion. The noble lord seemed to begin his approbation of the measure, at the very time when ministers themselves proposed to abandon it. The noble lord had stated, that ministers had now become more liberal, and that they allowed no foreign power to interfere in our domestic policy; but when was a pretence of this kind wanting? on what former occasion, when the renewal of the Alien bill was proposed, were not the same statements made? If had been said, that the power given to

ministers by this bill would induce foreign powers to act better by their own subjects. If so, the measure should not only have his support now, but always. The noble earl opposite had stated, that principles of revolution were abroad. If so, could this bill check or eradicate them? Could the presence of foreigners give effect to revolutionary principles in this country? No. Those principles, so far as they actuated the people of this country, had a British origin. If there existed danger, therefore, from this source, an alien bill afforded no security. Ministers had taken credit to themselves, for mitigating the present measure, by excepting from its operation persons who had resided seven years in England; but the clause was so indefinite, that persons who had resided nearly all their lives here might still be subject to its operation, if they had been absent only a few days before the passing of the bill. Why fix upon seven years? Was an apprenticeship necessary to good order and peaceable conduct, as to the trade of making shoes? Why not give a settlement from marriage? Was a man after this to be liable to be torn from his wife and children who were British subjects, and who might remain in England while he was ordered out of it? The noble earl concluded by opposing the bill.

The Earl of *Westmorland* expressed his surprise that noble lords should call upon the government to pledge itself to dispense with a measure after the present period, when it was impossible that they could foresee the circumstances that might occur. He would support the measure before the House on three grounds; first, for the preservation of tranquillity at home; second, on account of our relations with foreign countries; and thirdly, to prevent those disturbances in other countries which ultimately, though not immediately might involve us in war. He could not conceive how governments could be at peace, while their subjects were at war—how the Lord Mayor of London, could be at open hostility with the Grand Seigneur, while government professed itself a friend and ally. The bill was necessary to enable the country to be, what he trusted it always would be, a refuge for all persons, whatever their opinions might be, who were driven out of their own country; and so far from the bill being injurious to foreigners, it was, in his opinion, their best protection.

Lord *Holland* said, the noble mover had begun his speech by observing, that this law had been so often under discussion, that little could be said, either for or against it, that had not been repeatedly urged. It was, indeed, irksome to travel over ground so perfectly beaten; and therefore he should not trouble their lordships with the many objections that, in the course of twenty years had been urged against this bill. But, when he considered that the noble earl who had just sat down had laid down grounds, new, and at variance with the grounds on which the bill was originally introduced, he did think that it became him to call the attention of the House thereto. That there was such difference, the noble mover must be aware, as he had alluded to the origin of the measure. It was, indeed, not so old in our Statute-book; it ran not beyond the memory of man; it was in 1792 that the bill was brought in, and their lordships would mark the preamble of it; and observe, that even in those times of passion, it was stated, that there existed an imperious necessity; it stated that, in consequence of the great increase of aliens resorting hither, much danger might arise to the tranquillity of this country. Soon after the bill was passed, war took place, and the bill was continued. However, then came the peace which was signed by the noble lord opposite; and the bill was then continued on the grounds (judging from the speeches of the noble earl opposite) that it was necessary to possess the power of excluding aliens, in order to possess a summary mode of preventing their revolutionary operations from destroying the tranquillity of this country. But he had better authority for what he stated than any speech. There was then a considerable number of aliens in this country, who were hostile to the government of France, with which we were then at peace; but we were suspected by that government of being favourable to the principles of those persons. They were very active here, and published some pamphlets, which he believed every candid man would acknowledge contained instigations to assassination and murder. M. Otto remonstrated upon it, and the noble earl opposite answered as became a British minister—"You may prosecute them in the courts of law of this country." Much correspondence took place, and at last M. Otto said, "But you have an alien act, under which you may proceed more sum-

marrily;" and the moment he gave a hint of a foreign power going snacks in an act of parliament, the noble lord left his little nag, and instantly mounted his war-horse, and began prancing, and curvetting in the most furious manner possible; and yet the noble earl who spoke last talked of this bill as being necessary for the preservation of peace with foreign countries. He would first read the complaint of M. Otto, and afterwards the answer of the noble earl opposite:—"Whatever may be the protection which the English laws afford to native writers, and to other subjects of his majesty, the French government knows that foreigners do not here enjoy the same protection, and that the law, known by the title of the Alien act, gives the ministry of his Britannic Majesty an authority which it has often exercised against foreigners, whose residence was prejudicial to the interests of Great Britain. The first clause of this act states expressly, that any order in council which requires a foreigner to quit the kingdom shall be executed, under pain of imprisonment and transportation. There exists, therefore, in the ministry a legal and sufficient power to restrain foreigners, without having recourse to courts of law; and the French government, which offers, on this point, a perfect reciprocity, thinks it gives a new proof of its pacific intentions, by demanding, that those persons may be sent away, whose machinations uniformly tend to sow discord between the two people." To this the noble lord had answered, that "his Majesty's government never would, in consequence of any representation or any menace from a foreign power, make any concession which could in the smallest degree be dangerous to the liberty of the press, as secured by the constitution, and so justly dear to every British subject." The noble earl went on to state—"With respect to the distinction which appeared to be drawn in M. Otto's note, between the publications of British subjects and those of foreigners, and the power which his Majesty is supposed to have in consequence of the Alien act, of sending foreigners out of his dominions, it is important to observe, that the provisions of that act were made for the purpose of preventing the residence of foreigners, whose numbers and principles had a tendency to disturb the internal peace of his own dominions, and whom the safety of those dominions might require, in many instances, to be removed, even if

their actual conduct had not exposed them to punishment by law. It does not follow that it would be a warrantable application of such a law to exert its powers in the cases of individuals, such as those of whom complaint is now made, and particularly as they are liable to be prosecuted under the law of the land, in like manner as others have been in similar cases, at the instance and upon the complaint of foreign governments." The noble earl, the House would observe, spurned at the idea of making the law subservient to the purpose of sending foreigners out of the country, at the representation of a foreign minister.—However, another war broke out, and the next Alien bill had such a meagre and slender preamble, that nothing scarcely could be gathered from it as to the grounds of enactment, and the noble viscount (Sidmouth), then secretary of state, was particularly cautious of giving any political grounds as a reason for the bill: indeed he disclaimed anything of that sort. The bill was then, as now, for purposes purely British, and the making the bill an ancillary, or hand-maid, to foreign powers, was spoken of with becoming reprobation. He wished that sentiment were still felt, and he should then not despair of voting with those noble lords this night in a majority against the bill. The noble earl who spoke last, had stated three objects of this bill; but he could not follow him in his distinctions. One of the objects he had forgotten, but it appeared to him, that they all merged in this—namely, that it was a British object to preserve peace; and the only way to attain this British object was, it seemed, by sending persons out of the country. Now, as far as experience went, that was falsified; for, when was this infallible preventive of war first discovered? Why, this happy jewel was discovered in time of peace; it was passed in December, 1792; and in the following month commenced the most bloody, expensive, and longest war in which this country was ever engaged! This reminded him of the discovery made by the learned lord on the wool-sack the other night; namely, that until the time of lord Hardwicke we had no law relating to marriage. So, according to the noble lord privy seal, this country was unable to maintain the relations of peace and amity until the discovery of this measure, just three weeks before the breaking out of the war of the French Revolution. The noble earl who spoke

last, had spoken of the noble lords on his (lord H.'s) side of the House, as being enemies of peace. To that he would only say, that he still thought, if another line had been taken on the occasion to which the noble earl alluded, the peace of Europe would have been more permanent and sure than it was at present. But, to return to this new-found preservative of peace. He would ask, what was the longest period of peace that this country had ever enjoyed? He believed it was in the time of James 1st. What was there remarkable with respect to foreigners at that time? Why, that at no time were foreigners so well received in this country, and at no time had so many British subjects employed themselves in taking part in foreign wars: yet, no alien act then existed. What he had stated, proved that the alien act had not preserved peace in this country, and that peace had been preserved in this country without any alien act. Looking abroad, it would be seen, that Holland, Switzerland, the Papal government, and latterly the government of the United States of America, had been the most successful in the preservation of peace. By the by, it had been supposed, that legitimate governments were best qualified to preserve that blessing; and it was rather remarkable, that the three most illegitimate governments had been the most successful in so doing. Holland had, he believed, maintained peace for the longest period; she had enjoyed 70 years of tranquillity—from the treaty of Utrecht, to the period of the American war. Ay, but, said the noble earl, what trouble must they have had in excluding aliens during this period. No such thing; for sir W. Temple expressly said, that it had ever been the great principle of the States to make their country the common refuge of all the miserable of other countries, though, by the way, in that sir W. Temple was mistaken; they had not always maintained that policy, and he would notice the exception directly. The historians of France also noticed, that every person disgraced there, made their retreat into Holland, and that no representations of ambassadors of foreign powers could induce them to order these distressed persons away. This he thought proved, that an alien act was not necessary for preserving peace. The exception which he had alluded to, in the observance of their general principles of hospitality to strangers, was one that was most dis-

graceful to them, as it was made for the sake of currying favour with Charles 2nd, at whose instances they delivered up two of the regicides, who were actually executed. Switzerland had, from the earliest period of her political existence, been the refuge of all who were obliged to quit their own country; and in respect to the regicides, they formed a contrast with the government of Holland, for they had refused to give them up; but, whether by inclination or by necessity, they had of late been compelled to adopt a less generous policy.—The noble earl who spoke last said, that this bill was only to prevent the machinations of disaffected persons, and danger to other countries; and this, he said, was an object purely British, for which we were to act as the police-officer and spy of foreigners. The noble earl thought there ought to be means of preventing such injurious conduct on the part of individuals as would be likely to endanger the national peace, and he also said, he did not see how the subject could be at war, and the sovereign at peace. But, how did this apply here? It would be no answer to a foreign minister to say, that we had enforced this law against those who owed us no allegiance, and yet did not do it against the native. The noble earl must be prepared, for the sake of peace, to enforce the laws of coercion against the native also. For suppose the gentleman with the hard name to be discovered corresponding with one who states that so many men, and so much money, would be here at such a time and for such and such purposes. Without communication with any foreign minister the man is sent out of the country. Then comes the gentleman with the easy name and does the same thing. The French ambassador discovers it, goes to Mr. Canning, and he refers him to the attorney-general, who, perhaps, refers him to the learned lord on the woolsack, and perhaps from him he gets something decisive (he was only stating the case hypothetically); however, hints are thrown out to him of the intractable nature of juries, and the danger of exposures. The ambassador to this might say, “I have nothing to do with your law; but this I have to do with,—that the other day a man did the same thing, and you sent him out of the country, in justice, I suppose, to me; for I do not suppose you would do it except as an act of justice; and yet here is a man who has done the same thing to whom you will do

nothing.” What would the noble earl opposite say to this? Would he say as he did to M. Otto, that we passed the law for the preservation of our own internal tranquillity? Or as the noble earl who spoke last, said, we passed it for preserving national peace, and because we find we have no law to prevent people doing that which is a just cause of war to other countries?—It was because it was a measure, which, if carried into complete effect, would make the world one vast prison, that he thought it unwise and dangerous to pass it; and because it was more likely, instead of producing peace, to embroil this country with foreign powers. He had proved that the grounds of the measure now were directly contradictory to those laid down when it was originated; and he thought he had proved also that it was futile as a means of preserving peace, but rather, on the contrary, likely to raise questions with foreign ministers. He would not be so disingenuous as to say that he expected the bill would be thrown out that night, but he trusted it was the last time it would be renewed, and that we should be permitted to go back to the good old times of British hospitality, when, in the language of one who was a poet, politician, and orator, this country was characterised as

“—————by Heaven design’d
To be the common refuge of mankind.”

The *Lord Chancellor* said, that if he had entertained any doubts before as to the expediency of this bill, the speech of the noble lord would have removed them. There was one point of considerable importance which had not been adverted to, and to which he wished to call their lordships’ attention. If their lordships would take the trouble of comparing the provisions of the Alien bill for 1793 with those of the present, they would find that they differed entirely in character and extent. The provisions of the act of 1793 were proportioned to the danger which existed at that time; while the measures of 1816, 1818, 1820, and 1824, were proportioned to a less degree of danger, and consequently imposed a less degree of penalty and restriction. A noble lord had contended, that the sending Aliens out of the country was unconstitutional. He professed himself at a loss to understand this proposition; for he would re-assert what he had often before affirmed, that the right of sending Aliens out of the country was a part of the prerogatives

vested in the Crown; but, as it would be difficult for the Crown effectually to exercise this right, the aid of parliament was required, in furtherance of the exercise of the constitutional powers of the Crown. If such a prerogative ought not to exist, let it be taken away; but as long as it did exist, parliament was bound to provide for its effectual exercise. Though the dangers which called for the measure of 1793 did not now exist, he was satisfied there was a sufficient degree of danger at the present moment, to justify, and indeed to render necessary, the continuance of the Alien act for a further period of three years.

The House divided: For the second reading: Contents, present 46, proxies 34—80. Not-Contents, present 17, proxies 18—35. Majority 45.

HOUSE OF COMMONS.

Tuesday, May 11.

PETITION OF JOSEPH SWANN COMPLAINING OF IMPRISONMENT IN CHESTER CASTLE.] Mr. J. Williams said, he rose to present a petition from an individual of the name of Joseph Swann, who was, he believed, the solitary remaining prisoner of those persons who were incarcerated and prosecuted in the year 1819. It was, though it had escaped his recollection, his lot to have prosecuted that individual. From the time that had elapsed, it was not to be wondered at that the circumstance had escaped his recollection. It appeared from the petition, that Mr. Swann had been a mechanic and artizan, residing at Macclesfield. In consequence of the very great distress that at that period prevailed throughout the manufacturing districts, the petitioner was compelled to change his means of exertion, and he became a vender of books and pamphlets. He was apprehended on the 21st of August, 1819, on a charge of selling blasphemous publications, and was detained in close custody till October, a period of eight weeks. Having been then discharged upon bail, he was a second time apprehended, on the 28th of December following, and detained at Middlewich to the January following. The petitioner stated, that during that latter period, he was chained with other prisoners. Without resting on the allegations of the petitioner, he (Mr. W.), reflecting on the temper of those times, believed there was reason to fear, that per-

sons thus circumstanced were exposed to the extreme of rigour and violence. He was at length tried and convicted on three indictments: two for blasphemy, and the third for attending a meeting at Macclesfield. For the purpose of convening that meeting he had signed the requisition; but he stated positively, that at said meeting he never uttered a word. Whatever was seditious was expressed through the medium of a person of the name of Buckley, who was also indicted with the petitioner. And yet, strange to say, that man, Buckley—the principal in the proceedings of that meeting, who was “the very head and front” of the imputed offence—though indicted, had never been brought to trial to that hour, although at sundry times he had been subsequently seen at large, at and in the vicinity of Macclesfield. It was impossible to explain how it was, that the principal offender should be at large, and the accessory should be thus rigorously punished. It was at least undeniable, that a punishment, which, for the three charges, comprehended an imprisonment of four years and three quarters, was a punishment carried to as great an extent of severity as perhaps was exemplified in the history of political offences. For his part, though engaged in the prosecution, he had nothing to do with the originating of the proceedings, and was not at all responsible for the rigour or extent of the punishment; the sum and quantum of which would speak for itself. Indeed when one considered its duration, it was impossible not to feel that it was marked with severity. At all events, there was, under existing circumstances, sufficient to induce his majesty’s government to reconsider its continuance and duration. Could it be forgotten, that at that moment, very generally throughout the country, and particularly in those districts, a series of distress and pressure prevailed; which those who suffered under it would impute, not to the inflictions of fortune, but to the errors of government. The right hon. secretary for the home department did, no doubt, feel, that that season of suffering and discontent had passed away; and therefore he trusted, that he had only to remind the right hon. gentleman that the petitioner was the solitary remanet of those political offenders of that season now lingering in a prison. It could not be forgotten, that when the chancellor of the Exchequer made his financial exposition, he congra-

tulated parliament and the country on the restoration of order, subordination, and constitutional obedience. But, if such punishments were the remedies for particular disorders, was it wise, was it prudent, was it humane, to continue them, when those disorders had happily disappeared? He put it to his majesty's government to take into their consideration all the circumstances of the petitioner's case. A few months longer, and his imprisonment would be brought to a close, with those feelings in the public mind which usually accompanied excessive and disproportionate punishment; namely, a turning away of all disapprobation of the offence, and the conversion of a culprit into a martyr.

Mr. *James* observed, that for the severe punishment which this individual had experienced, and which arose out of the political agitations of 1819, the magistrates were deeply responsible. It was unwarrantable, and could scarcely be paralleled in the history of political persecution. The petitioner was innocent of all criminal acts. He had merely attended a public meeting, where he did not utter a syllable; but a Mr. Buckley made what was called an inflammatory speech. To shew that the magistrates were ashamed of what had been done, they had for twelve months been inducing the gaoler to endeavour to persuade Swann to petition for a remission of his sentence. He had not thought proper to comply with their wish, and was prepared to suffer the extent of his punishment, in order to afford a specimen of the severity with which an individual might be treated under a free government, which was said to be "the envy of surrounding nations, and the admiration of the world."

Mr. Secretary *Peel* observed, that the learned gentleman who presented the petition had mentioned the subject to him only yesterday, when he (Mr. Peel) had observed, that as it related to circumstances which occurred two years before he was in office, he could of course have no knowledge respecting it; that therefore, if the learned gentleman presented the petition this day, he (Mr. P.) could not obtain any information as to those circumstances; but that if the learned gentleman postponed presenting the petition, he would obtain every necessary explanation. As the matter stood, the allegations in the petition were merely those of the petitioner himself; and it was singu-

lar, that nearly four years should have elapsed before he had made any such complaint. With respect to the severity of the punishment, he begged to say a few words. Of course, all appeals to parliament against the exercise of the prerogative of the Crown, in withholding mercy from offenders, were appeals against the secretary of state for the home department, whose duty it was to advise the Crown in such matters. Now, he readily allowed that he had not advised his majesty to remit the punishment of the individual in question; nor was it his intention so to advise his majesty. No fine had been inflicted on the petitioner. On finding securities for his good behaviour, he would be liberated at the expiration of the term to which he had been sentenced by the law, and it was not his intention to advise his majesty to shorten that term. The petitioner had been tried on five indictments. On three of those indictments he had been convicted. He had not erred without sufficient warning of the probable consequences of his offence; but he was one of many who were at that time deeply engaged in the infamous traffic in seditious and blasphemous publications. His father resided at Stockport, and sold such publications, and his son was sent to Macclesfield for the same purpose. He had compelled his wife to embark in the same traffic. On the whole, therefore, after the warning which the petitioner had received, he did not conceive that it was too severe an infliction. As to the charge of sedition, he would refer to the learned gentleman's own address to the jury, in which the learned gentleman maintained, that the publication on which the prisoner was charged was calculated "to stir the people up to a contempt of his majesty's government." The learned gentleman had also observed, that they spoke too of a convention—a term borrowed from the worst times of the French Revolution." It ought also not to be forgotten, that the conduct of the petitioner while in the court had been offensive in the extreme. He had insulted the bench, and held up his white hat, which was at that time the symbol of the party by whom the tranquillity of the country was menaced. All these circumstances combined to shew the impropriety of extending mercy to such an individual.

Mr. *Hume* observed, that the petitioner did not ask for mercy. That he was above doing. What he complained of

was the injustice of his sentence. It was, indeed, such a sentence as was seldom witnessed in this country. A blasphemous libel! What was a blasphemous libel? Was that to be determined by the opinion of the magistrates of Lancaster? Up to the present moment, the petitioner knew nothing of the contents of the work, which he was charged with publishing. Under such circumstances, even to prosecute him was an act of cruelty. The petitioner had not excited the people to insurrection. He had never opened his mouth. Under such circumstances, the punishment inflicted upon him was unprecedented. To add to its severity, he had, in the first instance, been confined in one of the condemned cells, and fed on bread and water, and then removed to the felons' ward, clothed in a felon's dress, and denied the use of pen and ink, and the sight of his wife, who was in a dangerous state of health. There was nothing in the circumstances of the prisoner's case which warranted such barbarous proceedings. Nor was it just, that such individuals as Trafford Trafford should sit in judgment on a case in which they had themselves taken so active a part.

Mr. *Sykes* expressed his hope that at least, considering the severity of the sentence in other respects, the petitioner would not be called upon for surerities.

Ordered to lie on the table.

ADMINISTRATION OF JUSTICE IN IRELAND.—PETITION OF J. M'CUSKER.]

Mr. *J. Smith* rose to present a petition which would be found to be of considerable importance. The petitioner was a poor man of the name of James M'Cusker, and he stated, that on the 15th of December, 1823, his cabin had been surrounded by forty or fifty persons, armed with guns, &c. five of whom burst into his dwelling, stabbed him in various parts of his body, broke his arm, cruelly ill-treated his wife and children, wounded his two brothers that came to his assistance, and finally set fire to his cottage. For some days, in consequence of the personal injuries he and his brothers received, he had been unable to apply to a magistrate, but afterwards went before lord Belmore who said that he could not properly interfere, as recourse ought to be had to some justice of the peace in the more immediate neighbourhood. The petitioner accordingly went before other magistrates,

and preferring his complaint, a number of persons were apprehended. It was one part of the complaint, that though the offence charged against the prisoners was felony, they had been admitted to bail—a proceeding directly contrary to law. They were subsequently tried at Enniskillen, and were all acquitted. A very few days afterwards, three of the prisoners, armed with a writ of *distringas* from the Seneschal of Enniskillen, claimed of the petitioner the payment of costs to which they had been put by the trial, and by virtue of the warrant they seized a cow. Such a course of proceeding might be law in Ireland, but most assuredly it was neither law nor common sense in England. The petitioner was subsequently accused of a riot and assault stated to have been committed by him after the apprehension of the parties whom he accused. He was tried at Omagh, in the county of Tyrone, for this supposed offence, was found guilty, and sentenced to six months imprisonment. With regard to the prayer, although the hon. member could not concur in the whole of it, he felt bound, nevertheless, to present the petition: it was this, that the House would call upon the judge who presided at the trial of the parties whom the petitioner accused, to produce the notes he took upon that occasion; to inquire into the conduct of the magistrates who had admitted the prisoners to bail, and into the proceedings on the trial of the petitioner for a riot and assault. It appeared that the persons apprehended, boasted that they were "Clabbey Peelers." What was meant by those terms he could not clearly understand. Ireland was torn by political and religious animosities, but he had observed that those parts of the island where the population was entirely Catholic, were the most decent, tranquil, and well conducted. He did not present the petition in the hope that relief could be given, but he was anxious to hear what course the government had pursued in relation to this case.

General *Archdall* vindicated the juries of the county of Fermanagh; and maintained that they were as conscientious a body as could be found in any part of the kingdom. As to the attack upon the cottage of the petitioner, it did not appear that it was made by the Orange or Protestant party; for the Orange and the Protestant party in Ireland were the same thing.

Lord Milton lamented that the gallant general had thrown an imputation upon the great body of the Protestants of Ireland, of whom he (lord M.) was one; for he had been born in that country. The imputation was, that all Protestants were Orangemen; which was, in other words, to say, that they were all members of associations which it had been declared necessary to put down. Such associations were almost of a seditious nature; since they were calculated to promote dissension throughout the country.

Mr. Goulburn said, he did not pretend to be cognizant of all the steps adopted in the case. He recollected that, on the eve of his departure from Dublin, he had received a statement of the case of M'Cusker. Directions were given to the Crown solicitor to inquire into the particulars of the transaction, and to bring the offenders to justice. There his (Mr. G's) knowledge ended. He had never heard of the trial, and did not know of its result, excepting from the statement of the petitioner.

Mr. Plunkett remembered the case of M'Cusker, who had sustained a very gross outrage. When the facts were laid before him, he had directed that inquiries should be made into the whole affair. The Crown solicitor had been of opinion, that the parties ought to be prosecuted, and the defence before the magistrate was, in truth, rather an aggravation of the original crime. On the trial, the prisoners had proved alibis, and were acquitted. As to the subsequent distress for costs, that part of the transaction seemed almost impossible; and he could not help thinking that the hon. member had been misinformed respecting it. The gentleman complained of was not a county magistrate, but a justice of peace by virtue of his office; he was provost of Enniskillen, not removeable by the lord chancellor, but upon application to the court of King's-bench, on its being shewn that he was unfit for his situation. Although he (Mr. P.) had thought his conduct highly censurable, he had not believed that he acted wilfully and maliciously, and had therefore refrained from making any motion in the court of King's-bench to remove him.

Mr. J. Smith thought the Irish government had not done all that it ought to have done, under the circumstances. If such a transaction had occurred in England, very different measures would

have been pursued. Whenever he heard of a case of this kind he would fearlessly bring it before the House, for he was convinced, that if the evils of Ireland were extensively known, they would hardly be suffered to endure beyond the present session.

Mr. Dogherty said, he did not think that any thing would have passed, even on the subject of Ireland, which would have overcome the reluctance he felt in rising for the first time. He was as yet a stranger, and if the hon. member for Midhurst had confined himself to the facts of the petition, however strongly he might have stated them, he should have remained silent. He begged it to be understood, that it was not his intention to offer any observations in vindication of the magistrate whose conduct had been called in question; of the attorney-general, who had prosecuted the offenders; or of the right hon. secretary for Ireland, who had directed an inquiry; but, coming newly from the sister kingdom, any imputation on the mode in which justice was administered there, sounded strange in his ears. It was under the superintendence of a body of great and good men, who acted with integrity and impartiality, and whose conduct would be an honour even to this country, where the law of the land was so nobly dispensed to all classes of the community. He had been provoked to open his lips by hearing statements made as of facts that could only have been tolerated in Spain or under some severer despotism. They would not be tolerated in Ireland. That they had occurred, he was not prepared to deny: they might have occurred in England, but they would have been followed by merited punishment. He begged leave to say, in anticipation of any future slur upon the administration of justice in Ireland, should any such be made, that his name could carry no further weight upon the subject, than that he had just come from Ireland, had just witnessed the manner in which the law was dispensed, and he could therefore say, without the slightest hazard of rebuke, that it would gratify the sincerest lover of the purest justice to witness the manner in which the courts were open to the rich and poor of all parties. Upon this subject he had had a professional experience of some seventeen years. He had been a diligent attendant in five counties of Ireland, and he could not charge his recollection with a single instance where

the slightest distinction had been made between persons of opposite religious persuasions. For himself, he would say, that he had reached this country perfectly untainted by party, and long as he had been in public life (if the pursuit of his profession might be called so), the present was the first time he had ever opened his lips upon any political question. He admitted that Ireland was divided by factions, and that their influence was most prejudicial to her welfare; but, the administration of justice was untouched by them. It was pure and equal, and acknowledged none of the distinctions that were kept up elsewhere, with such painful and injurious pertinacity.

Mr. *M. Fitzgerald* rose, to ask the right hon. secretary for Ireland, whether he would make any objection to the production of the judge's notes, as requested in the petition? What had fallen from the attorney-general rather strengthened the claim of the House in this particular. He had said, that before the magistrate the men accused vindicated themselves on the ground of justifiable revenge against *M'Cusker*, but that on the trial they had rested their defence successfully on an alibi. These were inconsistent; but, from the judge's notes, it would appear on what ground the jury had acquitted the prisoners. Some of the remarks of his learned friend who spoke last, shewed that he had not long sat in the House, or he would have known that the acknowledged candour and moderation of the hon. member for *Midhurst* little justified those remarks. He united the zeal and warmth of an Irishman to the acuteness and discrimination of an Englishman. Did his learned friend mean to extend his eulogium to the magistracy of Ireland; or, rather, did he not know that there was much in their conduct that deserved strong reprobation? Hence the recent inquiries and the recent sweeping exclusions by the lord chancellor. Was it not notorious that gross partiality had existed among them? He valued as much as any man the trial by jury; but because he valued it, and because he reprobated religious distinctions which were likely to deprive it of all its advantages, he would go so far as to say, that it might become a serious question, whether, for the sake of the tranquillity of the country, it would not be advisable to suspend even the trial by jury? Certain, he was, that in a case on which religious animosities prevailed, he

would infinitely rather trust the life of a man to one of the judges of the land than to an Irish jury.

Mr. *Peel* suggested, that, as the House was at present discussing the subject on imperfect information, it might be advisable to postpone the motion for printing the petition for a few days, during which time inquiries might be made, the answers to which would probably be satisfactory to the House. According to his recollection, the petitioner had omitted on the trial to bring forward an important witness.

Upon this, Mr. *J. Smith* postponed the motion for printing the petition.

FREEDOM OF ELECTION IN IRELAND —PETITION FROM CAVAN.] Mr. *Abercromby* said, that he had been entrusted with a petition of such a nature that he felt himself called upon to present it that night. The petitioners were freeholders of the county of Cavan. The complaint was, that the freedom of election had been grossly violated by the partial and almost factious conduct of the sheriff. On the advancement of colonel *Barry* to the peerage, by the title of lord *Farnham*, a vacancy occurred for the representation of the county of Cavan, and a writ for the election had been transmitted to the high sheriff in due course. That officer, whose duty it was to conduct himself with the strictest impartiality, gave notice of the approaching election by a placard headed by an effigy of king *William* on horseback, with the orange colours, and an inscription, "To the glorious and immortal memory." These were well-known indications of the party to which he belonged. Under these inauspicious circumstances the election commenced, and it was conducted throughout in the same spirit. On the day of the opening of the poll, all the avenues of the court-house were crowded by persons professing the opinions of *Orangemen*, who conducted themselves through the day in the most intemperate manner. It was with the utmost difficulty that two gentlemen obtained a hearing, while they proposed Mr. *Coote*, the second candidate: they could not have put him in nomination at all, had they not called for protection upon that very sheriff who had so publicly recorded his own opinions. In fact, in the course of that night a murder had been committed—the life of a fellow-creature had been sacrificed to party violence. During the

election, a speech was addressed to the Orangemen assembled, by a magistrate of the county, in which he told them "that they were now a legally-constituted body." Such was his language. It would be injustice to the petitioners, did he not mention that they came forward with the greatest reluctance to expose these circumstances to the view of the House; but the election was the second provocation of the kind they had received from the same party. The petitioners had entertained sanguine hopes as to the effects of the measure which passed through the House last year for the suppression of secret societies, but those hopes had been grievously disappointed. The boast of the Orangemen was, that they had completely evaded the law. The petitioners prayed, that the sheriff might be brought before the House to answer for the publication of the proclamation referred to; and that if the House was not disposed to grant to all classes the equal benefits of the constitution, they would not withhold their protection. These prayers were just and reasonable; for surely, if the House allowed such proclamations to be sent forth, the members returned to that House must cease to be considered the representatives of the people of Ireland, but of the particular faction to which the sheriff belonged. In the course of the election the life of one fellow-creature had fallen a sacrifice. An individual was tried for the murder and acquitted. He wished to ask, 1. how many persons were returned by the sheriff on the panel for the trial of that murder? 2. how many of them were Protestants, and how many Catholics? 3. how many were challenged for the prisoner, and how many for the Crown? And 4. how many of the jury were taken from the original panel? The answer to these questions were important, to guide the House to a correct judgment on the subject. He had often expressed his conviction that no attempt should be made to suppress opinions by legislative measures; but they saw the Orange societies persevering, in defiance of the laws, and exasperating the rest of the population.

Mr. Maxwell, as member for the county of Cavan, deemed himself called upon to offer a few words. The charge against the high sheriff, of countermanding the proclamation which had been mentioned by the learned gentleman, was very unfairly repeated by the petitioners; for

the sheriff had himself publicly disavowed it on the hustings, and afterwards in a printed letter. The only proclamation that was really sanctioned by the sheriff was headed, not in the manner the learned gentleman had described, but with the royal arms. The petitioners had acted most unfairly, in bringing forward a charge which had been denied by the sheriff. The sheriff, in his printed letter, said, "the proclamation was printed without my consent or knowledge, during my absence in Dublin." It was certainly to be regretted, that at the time of the election a murder did take place at Cavan; but as to the perpetrators of it, not the slightest clue had been obtained; for the person who had been tried on the charge had been acquitted on the fullest evidence. He was no Orangeman, but he was warmly attached to the Protestant cause, and he would do the Orangemen the justice to say, that motives were attributed to them by which they had never shewn themselves to be actuated.

Ordered to lie on the table.

STATE OF IRELAND.] Lord Althorp, in rising to call the attention of the House to the important subject of which he had given notice, begged to assure the House, that no man living could be more sensible than he was of the difficulties with which it was surrounded. He bespoke their indulgence, not merely because he should find it necessary to trespass upon their time at some length, but because he felt that his powers were inadequate to cope with the numerous difficulties which presented themselves to him. Most forcibly as he was impressed with this latter consideration, he was nevertheless encouraged to persevere in his intention, because he believed, even if he should fail to persuade the House to accede to the measure which he should have the honour to propose, that the mere discussion of the question would produce so much good, as amply to reward him for any exertion he might make, and console him for a disappointment, if he should be fated to encounter one. The difficulties of Ireland seemed to him to arise from a long course of unfortunate events. From the commencement of our connexion with her, it was not too much to say, that she had been treated, in every way, as a conquered country: and the evils which were necessarily attendant upon such a state of things, had, for the last two centuries of that con-

nexion, been aggravated by a difference of religious opinions between the mass of the people and the ruling body—in other words, between the conquerors and the conquered. The natural effect of such a state of things had been, to produce violent party spirit, want of confidence in the government, and hatred to the laws, to a degree which had perhaps hardly ever existed elsewhere. These were evils to which, under any circumstances, it would be difficult to apply a remedy. It must, in all events, be done with great care and caution, because it would be absurd to suppose that the evils which had been of the growth of centuries could be removed by any sudden or violent measures.

Up to the period of the Union, that difference in religious opinion of which he had spoken prevailing, it might have been questionable, whether or not the majority of the population of Ireland should be admitted to the whole of the political rights and privileges of the state. But with the Union a great change took place, for then the majority of Catholics in Ireland became the minority of the united empire; and the concessions which they claimed, however imprudent it might have been to make them before, could, after that period, bring with them no dangerous consequences. That the Union was a wise and politic measure, he had no doubt; but, like all other human devices, it had its evils as well as its advantages. The mischief, too, was, that the evils which accompanied it were certain and obvious; while its advantages were contingent upon a wise administration. The first evil which ensued was the necessary increase of the number of absentees, and the consequent subtraction of the capital of the country. The advantages which ought to have followed the Union should have been an administration divested of all partialities and party spirit; the main object of which should have been the putting down of existing factions, and a careful endeavour to discourage them in future, by withholding power and emolument from such persons as were disposed to revive them. Besides these, the people of Ireland should have been admitted to an equal enjoyment of political rights. If these advantages, which might have been reasonably looked for, had actually followed the Union, it could not be doubted, that the capital which had been temporarily withdrawn in consequence of that

measure, would have soon afterwards returned, and that long ere this it would have been largely increased.

Having thus shortly stated his own opinion as to the causes of the evils which prevailed, the greatest of which was, perhaps, the violent party spirit which was kept up, he now came to the consideration of the means by which they were to be redressed. Great as the difficulties were which stood in the way of so desirable an operation, they would be removed, with comparative ease, if any legislative remedy could be applied to them; and it was because this was altogether impracticable as to the larger portion of them, that their weight and magnitude were seriously increased. He was induced to think that the best, if not the only mode in which these difficulties could be met, was by the appointment of a general committee to inquire into the actual state of Ireland. If he should propose a committee or committees, to examine only into particular points, they must be such points only to which a legislative enactment might be applied; but when he proposed a general inquiry, the committee to whom that inquiry should be intrusted might examine many topics upon which it would be impossible to legislate. Such a committee, by showing the origin of the evils, and by exposing that contempt of public opinion, that carelessness of what was thought elsewhere, which prevailed too much in Ireland, would have the effect of explaining the true interests of the country, and of shaming the persons most interested in them into that conciliatory course, and that attention to the interests of their countrymen, that were necessary to ensure their tranquillity and their prosperity. The fashionable mode of meeting propositions of this sort was, he knew, to offer to appoint a commission for the purpose of taking evidence on the spot; but this would be far less satisfactory than the course he was about to propose, because such a commission could only report upon such subjects as might be remedied by law, and, which was still more important, their report would not have the weight of that of a committee. His experience of the committees of that House had convinced him that, however intricate or delicate a subject might be, there were no obstacles which could not be overcome by such a committee, composed of gentlemen who were resolved to inquire into and remedy the evils. The House itself was already

in possession of as much evidence as would enable a committee to make a report; and if more were necessary, it would be easily procured.

It might be as well for him here to anticipate some of the objections which would probably be urged against the proposal he had to make. Among them, however, this would not be said—that the improvement in the affairs of Ireland had been such, that no inquiry was necessary, and the House and the country ought to be content with things as they were. The right hon. secretary for Ireland, had given notice of a motion for a committee to inquire into the state of those counties in which the Insurrection act had been in operation, with a view, of course, to the renewal of that act. It would, therefore, be sufficient upon this point, to say, that the mere necessity of the Insurrection act being renewed, proved that the country could not be in a tranquil, or even in such a state as rendered an inquiry inexpedient. The Insurrection act might be extended over the whole of Ireland. It was, therefore, highly necessary for the House to know what had been the effect produced by its operation hitherto. It might, perhaps, be objected, that the length of time which such a committee as he proposed must necessarily occupy, was a reason why it should not be appointed. He could not disguise from himself, and he would not attempt to disguise from the House, that such an inquiry must occupy more time than the session would afford; but this, he thought, was no reason why that inquiry should not be commenced, although it was a reason why his motion for it was as well-timed now as though he had made it earlier in the session. The committee on foreign trade, of which he had himself the honour to be a member, had already sat more than one session; and he trusted no man would say, that the condition of Ireland was a less important subject than the foreign trade of the country, powerful as was the interest which the latter fairly excited. The time, therefore, ought, he thought, to be no objection to the appointment of the committee; for he should be sorry to have it said, that one-and-twenty gentlemen, members of that House, could not be found who were, on such an occasion, willing to devote as much time as might be necessary to this all-important subject.

He wished the committee to possess powers as extensive as possible, because,

by a full inquiry alone, could they hope to do any real good. Among the first topics which would be submitted to their consideration, was one which he was aware could not be too cautiously interfered with—he meant the connexion between landlord and tenant. And yet he was sure that, unless the abuses to which it was exposed in Ireland should be fairly examined and exposed, they could never be adequately remedied. It appeared that only a running account between the landlord and his tenants was, in many instances, kept there: the peasant did not pay his rent in money, but in labour; and the consequence of this was, that he was (among other disadvantages) deprived of the means of procuring what was necessary for the employment of the females of his family, who might be usefully occupied in spinning, and in other similar labours. If the peasant were paid regularly by the week the money he had earned, as was the custom in this country, he would at once be able to pay his landlord's rent, and to procure for his family those advantages, the results of which were found to be so beneficial among a similar class of people in England. The abuses which ensued from the practices of middlemen, as well as other circumstances applying to the condition of the landlord and tenant, were so notorious that it was only necessary to allude to them, to show how desirable it was that they should be discontinued; and this he believed might be effected by the report of the committee. The next topic in point of importance seemed to him to be the employment of capital and of the people. No person who had listened the other night to the able and conclusive speech of his hon. friend, the member for Northampton (captain Maberly), could remain unconvinced, that two of the greatest evils of Ireland were the want of capital and the want of employment. The difficulty of the employment of capital had indeed been considerably exaggerated by that jealousy which the people felt of the interference of strangers, and which was the too natural result of the condition in which they were placed. The jealousy, however, was chiefly directed against persons who had employed their capital in agricultural improvements. In towns where there could be no danger of outrage, there could be no doubt that capital would be as safely, as it would be advantageously, employed; and it was this fact,

he was anxious to have proved to the committee, that, by their report, the capitalists of England might be satisfactorily shown how they might employ their capital.

He had, on a former occasion, stated it to be his opinion, that the repeal of the taxes in Ireland would tend mainly towards reviving the manufactures of that country, and bringing it into a prosperous condition. It was objected to him on that occasion, that he sought, by giving large and exclusive advantages to Ireland, to raise her up into a manufacturing country, which should make her the rival of Scotland and England. While he disclaimed any such intention, he feared that Ireland was far indeed from any such state of prosperity. She was as little to be feared as she was to be envied; and however he might wish to see her condition ameliorated, he had not proposed to accomplish that wish, by affording her a rate of profits above those of any other country. He would only say, that this consideration was of the greatest importance: and his most earnest wish was, to produce, if possible, tranquillity and prosperity, where now disturbance and distress prevailed, and to lay a foundation for a large revenue, and those resources which the climate and fertility of the country might reasonably be expected to produce, and which would amply repay any present sacrifice. But, to lay this consideration for a moment aside, let the House think of the enormous expense at which the disastrous condition of Ireland was continued, by means of a standing army, and by all the machinery of insurrection acts, which were necessary only in consequence of distress. Objectionable as this system was for its expense, it was no less so for itself: it must be altogether hateful to Englishmen, and ought not to be tolerated within the limits of a free constitution. There was a contamination in all the operations of arbitrary power: and it could not be endured in one part of the state, without the whole suffering under its pernicious influence. This part of the question demanded imperiously the consideration of a committee.

The next point in importance appeared to him to be the system of grand-jury presentments, in which he had always understood very extensive jobbing to prevail. It appeared, too clearly, that the individual interests of the gentry were opposed to those of the country; and when it was known, that local taxes to the annual

amount of 750,000*l.* were raised at secret meetings of this description, the fact was enough to prove the expediency of giving publicity to the mode in which these taxes were imposed. Whether they should be under the same regulations as were adopted with respect to the highways in England, or to the roads in Scotland, was a question he did not take upon himself to decide: but, that the present system demanded inquiry, he was fully convinced.

With respect to the church establishment in Ireland, he did not apprehend it would be denied, that this was a subject which ought to be inquired into. He would not be understood to propose, or to say, any thing which could be injurious to the established church: on the contrary, he wished to see its dignity and its utility preserved, at the same time that it should be directed to those purposes for which it was established. The prosperity of the church must always depend upon the number of persons who were attached to it. He could not believe that the object in granting to the church of Ireland the extensive property which it possessed, was to make a rich and powerful clergy, but to promote religion generally, and particularly the religion of the state, by increasing the means by which its ministers might become useful. He did not wish to turn them from this purpose, than which he could conceive none greater or better. He should be reluctant to do any thing which might even seem to be opposed to that purpose: but if it should appear to the committee, that by a different distribution, or even by a diminution of the revenues of the church, the people might be less alienated from the church than they now were, he did not think that in recommending such a measure he should be proposing any thing inconsistent with the prosperity of the church establishment of Ireland. The evils of the tithe-system were such as claimed a deep and full consideration. He believed that, by the alterations which had been lately made in the composition-bill, the system was much improved; but he believed nobody would deny, that it was capable of still greater improvement. The right hon. gentleman (Mr. Goulburn) by whom it had been introduced, could not expect—no man could be sanguine enough to expect—that it would be universally acted on. In those parishes, then, where it might not have been adopted, it surely became more than ever, necessary to inquire into the mode in

which tithes were collected. The mode of paying the clergy by tithes gave rise to differences and disputes even in England; but if these differences existed where the religion of the payers was the same as that of the clergy, how much more must they arise, where a difference of religion existed, where the payers were ignorant and very poor, and little able to understand, or to get information respecting, the technicalities of the law? In such a country every thing should be more simple and elementary than in England; yet the contrary was the state of the case. In England, if any objections arose as to the payment of tithes, nothing could be more easy than for the tenant to pay them in kind. In Ireland, nothing could be more difficult. The notices which it was necessary to give of their intention to do this, frequently contained flaws which might be taken advantage of against them. The parties, ignorant themselves, were compelled to employ persons who were scarcely less so; and thus such inaccuracies were of frequent occurrence. In England, if the clergyman neglected to draw the tithe which the occupier of the land had severed for him, he suffered the consequences of his own neglect; and if the land of the occupier was at all damaged by the continuance of the tithe upon it, a right of action lay against the person entitled to it. In Ireland, owing to the difficulties he had stated, and the decisions of the courts of law, the consequences of the neglect always fell upon the occupier of the land; who was, in case of any damage happening to the severed tithe, compelled to pay in money instead of in kind. He was perfectly confident that in stating this, he was stating what was the practical case in many instances. It was impossible not to perceive that such a state of things must be directly opposed to that good feeling, which ought to subsist between the receivers and payers of tithes. On the contrary, it was unhappily too well known, that it had produced bloodshed, disturbance, and misery; and for this reason alone it was necessary that the cause should be inquired into, whether the evil could be remedied or not, if it were only for the purpose of carrying into effect compositions which it was obvious could not be made while such feelings of irritation existed.

Another of the evils of Ireland were the Orange and Ribbon Lodges. It was difficult to say which of these was the

worse, as regarded the tranquillity of Ireland; but, both ought to be put down [hear, hear!]. Where one was, the other would always be; and the inevitable consequence must be, a continuance of that confusion and misery of which they had so long been the fruitful occasions. An attempt had been made last year to put them down; but, in a free country, such an attempt could never be very successful: and it had not succeeded at all. Let the House, however, suppose that a committee had made this a subject of inquiry, and had reported their opinion to the House, that all persons holding offices during pleasure should be removed from those offices unless they renounced their connexion with such mischievous societies as were these lodges; did the House not think, that this recommendation would put an end to the evil, and do more good than all the acts of parliament that had been, or that could be passed?

Every man who brought a motion before the House was, of course, very sanguine as to its success. He did not pretend to be less sanguine than others, but he could not help thinking also, that he had stated reasons, however inadequate, which should induce the House to grant the committee for which he was about to move. The people of Ireland at this moment might be said to be under the dominion of an oligarchy, the interests of which were, in too many respects, opposed to their own. It was an object of this oligarchy to exclude the majority, the members of whom were often their own tenants, from a free exercise of their rights. It was impossible, under such circumstances, that those feelings of kindness and attachment of the tenant towards his landlord, which in this country were so common as to form part of the national character, could prevail in Ireland; and it was equally impossible that, where such an invidious distinction prevailed, there should be confidence or good fellowship between the landlord and his tenant. He deplored this misunderstanding; and no less did he regret that which must subsist between the church establishment and the Catholic laity, who felt that it was by religious disabilities that they were excluded from all offices in the state. He should be told, that they were not excluded from all offices; but he knew that, though they were not so in law, they were in practice. It was impossible for a government to begin the work of degrading any particular de-

scription of people, and to say, so far shall the degradation go, and no farther: it would always be extended by other hands: and he therefore was not surprised to find that the Catholic laity were excluded from all offices. While the law provided, that they should be excluded from certain offices, and permitted them to hold others; it proved that while it was quite in earnest in the exclusion, the partial admission ought to be scrupulously adhered to. It was the duty of the government to see that in offices to which Catholics were eligible, there should at least be a certain number of them admitted. The right hon. gentleman opposite (Mr. Canning) was as much convinced as he could be, of the difficulties which lay in the way of remedying the evils which he had stated; and if the right hon. gentleman were as sincerely desirous of affording that remedy, he had no doubt that it was within his power to do so. He did not hesitate to say, that the right hon. gentleman's political conduct hitherto had not inspired him (lord A.) with the greatest confidence; but, now that the right hon. gentleman was in the highest situation that he could hold—for no situation could be found in Europe, or even in the world, which could be said to be a promotion to him—he called upon him to exert the powers of his distinguished station to this most noble end [hear, hear!]. That station was only desirable and only honourable, because it afforded him the most eminent opportunities of doing good. He could not be influenced by the mere distinction, nor by the emoluments which accompanied the office he held; but, if the desire of handing down his name to posterity as one of the greatest benefactors to his country had any weight with him, he now called upon the right hon. gentleman, by all his hopes of future fame, to do that which he must be convinced was best calculated to secure the welfare of Ireland. The right hon. gentleman possessed at this moment the power of doing good, in a greater degree than had perhaps ever fallen to the share of any man, and he had not only the power, but the knowledge which was necessary to direct it wisely. He called upon him to pursue that manly and consistent course which was equally required of him by his own reputation and by the interests of Ireland, and to support the question which he should now propose. In doing so, he was sure the right hon. gentleman

would have the support of every liberal-minded man in the House; and the approbation of every such man throughout the empire [loud cheering]. The noble lord begged pardon for having occupied so much of the time of the House, and concluded by moving, "That a select Committee be appointed to inquire into the State of Ireland, and to report their observations and opinions thereon to the House."

Sir H. Parnell said: Mr. Speaker; I rise thus early to address the House, from my anxiety to give every support in my power to the noble lord, by seconding the motion he has made; and, as a representative of Ireland, to express my great obligations to him for the excellent speech with which he has opened to the House the most important subject; I may say, of all domestic political subjects—the state of that country. The noble lord, on this occasion, as is his custom on all others, in which the interests of Ireland are concerned, has displayed a most laudable and useful zeal to improve its condition; and when it is considered how great the benefit is, that is conferred on Ireland, by having its affairs treated so ably and so liberally by the noble lord, and, I may also add, by so many other English members, so far, at least, whatever may be the doubts to which the noble lord has alluded in his speech, as entertained by some persons respecting the policy of the Union, there can be no reason for complaint, that the interests of Ireland are not attended to, or not discussed with all the advantages of the most anxious and sincere desire to serve them.

As it appears to me, that there exists a disposition in the House to take all the pains that can be taken to discover what measures are proper for bettering the condition of Ireland, and as also the whole intelligence of this country is now so evidently devoted to this object, I conceive that, as an Irish representative, I can take no more useful course, in addressing the House on the present occasion, than bringing before it a plain statement of facts, with the application of such established principles to those facts, as together shall serve to point out the way by which some amendment may be made in the destitute and distracted state of that country.

Every one, I take it for granted, will agree, that, on entering upon a discussion of the state of Ireland, it is essential to

begin by establishing some distinct notion, and to possess some sound opinion, upon the nature of the evil which we propose to inquire into. A great many errors, I trust I may be permitted to say, arise from a habit of running on much too fast in the first onset of all Irish discussions, a practice that leads to the projecting of schemes of improvement, without any patient examination of facts, or any clear conception of the exact grievance to be remedied. That this is the case is clearly proved by the speeches and proceedings that daily take place at meetings of various societies and associations, which, although acting under the influence of the best motives, never display that kind of acquaintance with the real state of Ireland, which would be the result of recurring to principles, and to the example of other nations. We are constantly told, in a general manner, that the distress of Ireland is universal and excessive, without any reference to circumstances, to show in what the distress actually originates, and in what it consists. An investigation into its cause and nature will show, that distress in Ireland means a very different thing from what it means in England. When distress exists in this country, it is commonly the landed interest, the commercial interest, or the manufacturing interest, that is suffering, and the inconvenience, however severe, is sure to be temporary; but when we speak of distress in Ireland, rents, commerce, and manufactures may all be in a flourishing state, and yet distress will not only exist, but be universal and permanent, as habitually belonging to the condition of the lower orders of the people.

After having bestowed considerable pains in examining the various opinions which prevail about Ireland, I am disposed to concur in that of a noble lord, the head of his majesty's government, which was given in another place, and according to which "the state of the peasantry is the grievance, the whole grievance, the great practical evil;" though, perhaps, I may differ in some degree from the noble lord in considering this evil as being much more of a political character than the noble lord will allow it to be. It is unquestionably true that, in whatever view we look at the circumstances of Ireland, the peasantry form the burthen that obstructs the progress of the country from a state of abject misery and general disorder, to one of happiness and tranquillity.

They are the class that feel all the distress, at the same time that they are the parties to all the disturbances. The distressed state of Ireland, and the disturbed state of Ireland, are, when put into correct language, the distressed state of the peasantry, and the disturbed state of the peasantry; and therefore, when we set about an inquiry into the state of Ireland, it is about the state and circumstances of Ireland, as they affect the peasantry, that it is our business to occupy ourselves.

When we thus commence the task, and examine patiently into facts, and, by comparing and combining them together, bring our understandings to decide in what the distressed state of the peasantry consists, we shall be irresistibly carried on to the conclusion, that it consists wholly in their extreme poverty. If they live, as they certainly do live, on a description of food that is of the lowest quality; if their habitations are of the meanest structure, and their clothing of the barest kind, their poverty must be extreme, and their habits of life on the lowest scale consistent with the preservation of human existence.

It is this extreme poverty which occasions the whole of their personal sufferings, and accounts for their wretched condition, and places them in a situation of being exposed to the greatest calamities. For it is universally true, that when a people subsist on the cheapest description of food, they are subject to all kinds of miseries and vicissitudes. If a dearth of the article occurs on which they live, they cannot descend lower to attain a substitute: and thus a dearth is inevitably attended with all the horrors of famine: while, in other countries, where the condition of the lower orders is as it ought to be, and where they live by established habit on good food, in the way they live in this country, then, when a dearth of that particular food happens, they are able to obtain a substitute in various other kinds of wholesome food of an inferior kind, by retrenching their expenses in luxuries and conveniences; and though they may suffer great hardship, the duration of it is not long, and they are not exposed to actual want and famine.

The more the case of Ireland is examined the more clearly it will appear, that its extreme poverty alone will account for the miserable condition of the people; not poverty arising from high rents, exorbitant tithes, county cess, or the want of

resident landlords, but from a deficiency of wealth to admit of proper wages being paid to the labouring class. And this poverty will not only account for the state of the people, but for many other circumstances in Ireland, of a nature that appear so anomalous as to admit of no satisfactory explanation.

But, if it be true that the distress of the peasantry can be accounted for in this easy and simple manner, and that, after all the supposed impossibility of understanding the case of Ireland, mere poverty there, as it has been in other countries, is the sole cause of distress, then no difficulty whatever can exist in pointing out a proper remedy. This remedy must unquestionably be, the establishing of wealth in Ireland; and this to such an extent, that labour shall be so rewarded, that new habits of living may be universally introduced. To seek to introduce such habits without previously securing a vast increase of wealth, will be only embarking in an undertaking which must end in disappointment; for in no country has the condition of the lower orders been rendered comfortable and respectable, or the refinement of the upper class of society been accomplished, except by forming, in the first instance, the foundation of a great accumulation of wealth. No doctrine can be advanced with better support from all past experience, than the doctrine which lays it down, that wealth must exist to a very considerable extent in a country, before society becomes settled, before the lower orders can be raised from abject indigence and barbarous habits, and before civilization can be generally established: and, therefore, to overlook this leading principle, in any plan for improving the condition of Ireland, is to act upon rather an imperfect acquaintance with the true nature of the subject.

If, then, the examining of those facts, which past experience affords us, and a reference to established principles point out the absolute necessity of making Ireland a wealthy country, in order that she may get rid of her present distress, the first object to which all our efforts should be directed is, the acquiring of a great augmentation of her capital.

But, although increased capital will lead to increased employment, we must not be satisfied with merely getting employment for the people; for the whole of the labouring class might be partially

and apparently employed, without any real improvement in their condition. In order to secure this improvement it is necessary, that the employment must be so general and so constant, and bear such a proportion to the numbers of the labouring class, as shall secure good wages to them; for until they obtain good real wages, they will not be in a situation to be able to live, except in the miserable manner in which they live at present, that is, in a way that constitutes the whole of the distress which they now suffer. As it is the impossibility of obtaining good wages that compels the Irish labourer to procure a piece of land, for which the competition of his own class fixes a high rent; and that also compels him to live on the poorest subsistence, in wretched habitations, and without a sufficiency of clothing; so the possibility, on the other hand, being afforded him of obtaining good wages, would enable him to become independent of the necessity of cultivating land, and not only to live on a better description of food, but to purchase some of the cheapest articles of our own manufactures and of foreign luxuries. It is just according to whether the labouring class of a country are well paid, that they and their country prosper. Where wages are low, they are obliged to live on the meanest description of food, and when so circumstanced, there exists no incitement to industry; and, in place of a proper effort to better their condition, they are buried in sloth, barbarism, and ignorance. When, however, the wages of labour are really high, the labouring class live well, and are able to purchase articles of luxury and enjoyment, and thus become themselves the source of additional employment. It is therefore, most essential in all countries for the public advantage, that the rate of wages should be as high as possible, so that a taste for luxuries and enjoyments, may thus become general, and if possible made a part of the national habits and prejudices.

It is in consequence of not making a distinction between different quantities of employment, and of their effects; and of not looking to secure such an extent of it as shall establish high wages, that many errors are fallen into, and futile and illusory projects brought forward for improving Ireland. It is from this omission, that the difference arises between me and many Irish members, respecting the effect of the linen manufacture in Ireland; and here

I beg to remark, that what I said upon this subject, on the debate on the linen bounties, has been misrepresented by all these members, who since that debate have referred to my opinion. I did not say that the linen manufacture had done no good in Ireland, as I am supposed to have said, for I am fully aware, that many descriptions of persons engaged in it have derived great advantage from it; but what I did say was, that the linen manufacture in Ireland had not been attended with that improvement in the condition of the workmen employed in it, as was the effect of extensive manufactures in other countries: and the reason I gave for this opinion was, that every workman, being also a cultivator of land, after paying a high rent, had not the means left of living, except on the coarsest and poorest food, and thus continued in as great a state of poverty and misery as the rest of the common labourers of the country. That this is the true state of the case, I know no Irish member can deny, and I feel convinced, that I have given a description of the effects of the linen manufacture on the lower orders, that is in no respect erroneous. In corroboration of this opinion, I have lately met with the following passage in Mr. Wakefield's work upon Ireland. After referring to a table which shows, that while the average-rent of land rose from eleven shillings an acre in the year 1779, to one pound seven shillings an acre in the year 1811, and that the average rate of wages for weaving had not increased at all, he says, "We may now discover why the boasted linen manufacture of Ireland, the favourite object of the public, as well as of every Irish minister, had not reflected back upon the people the happiness, which the great amount in pounds, shillings, and pence, delusively points out."

If, then, it is correct to say, that high real wages are absolutely essential to improve the condition of the lower orders of a country, let us examine what must take place before they can be established in Ireland. The mere acquisition of capital will not be sufficient, because the rate of wages depends upon the proportion that capital bears to the number of the labouring class. The real object therefore to be obtained is, that proportion of capital to population, which shall just make labour worth so much as will enable the labourer to live comfortably, and rear his family in a decent and proper manner.

When, therefore, we apply this principle to Ireland, a principle which is admitted to be completely established on facts and experience, we must first inquire into the state of capital in Ireland. Two modes exist, by which the capital of Ireland may be increased, one by the accumulation of capital already existing in Ireland; the other by the transfer of English capital to Ireland; and here I beg leave to express some dissent from the opinion of those who seem to think, that the transfer of English capital is of such paramount importance to Ireland as to require legislative interference to promote it. For my own part, I should prefer seeing Irish capital in the course of a regular and rapid increase, leading the country gradually into habits of industry, than seeing large quantities of English capital suddenly thrown into new channels, by the excitement of legislative encouragement and protection.

With respect to the quantity of capital now in Ireland, I am disposed to think it exists to a much greater amount than is generally imagined. The following are the circumstances that induce me to form this opinion: In the first place, the funded property in Dublin, in the shape of a part of the national debt, amounts to about 26,000,000*l.*, the whole of which is commonly believed to be the property of Irishmen. Then there is the great transfer of government stock, from London to Dublin, that lately took place, soon after the act passed for allowing it to be transferred at par, amounting to nearly 6,000,000*l.*, all of which was considered to be Irish property. In addition to these circumstances, there is the import and export trade of Ireland, amounting to about 18,000,000*l.* a year. There is also the capital employed in the manufacturing of linen, cotton, wool, and silk, and the capital vested in merchants' and traders' stocks, in machinery, ships, canals, and in a great variety of other occupations.

Now, if every thing shall be done that may be done to promote the accumulation of this Irish capital, I see no reason to doubt that it will soon become of very considerable amount. The great wonder is, how so much capital has been acquired; for if ever there was a country that was afflicted with absurd and ruinous legislative regulations in matters of trade, it is Ireland. The duties, that were called protecting duties, and which have since the Union been called the Union duties,

shut out no less than sixteen branches of Irish manufacture from the British market; the custom laws, till last year, exposed every vessel coming from Ireland into Great Britain, or from Great Britain into Ireland, to the same port and light-house charges, and to the same regulations, as the vessel of a foreign country are exposed to. The Excise laws for collecting the duties on spirits, malt, leather, and paper, were so altered, about twenty five years ago, as to break down all small capitalists; and it appears, from the evidence given before the Commissioners of Inquiry, that these laws required such a system of manufacture to be followed, that made it impossible for good malt, leather, or paper, to be produced in Ireland. In addition to these obstructions to the accumulation of capital, there was a very imperfect security of property; the people lived under unequal laws, and the country was continually in a state of open insurrection and disturbance.

Notwithstanding, however, all these very unfavourable circumstances, there can be no doubt that there must have been a great increase of capital in Ireland from about the year 1802 to the year 1815. In 1807 the free trade in corn was established, and, during the period referred to, Ireland had all the advantages of the continually high markets of England, while she raised her agricultural produce with the assistance of a fertile soil and very cheap labour. As the rate of prices in Ireland continued for ten years to be from twice to three times as high as they had ever before been, prodigious sums of money must have been realized, and laid up in the form of accumulated capital.

After the year 1815, on the other hand, considerable losses were sustained, in consequence of the great fall in prices: a very great amount of rents have never been paid, and the whole class of middle men have been very seriously injured. The failure of eleven banks, in 1821, in the south of Ireland, was attended with very heavy losses. Still, however, after all, the rate of rent is higher now than it was before 1802. The number of tradesmen throughout the country is greatly increased, and their shops better stocked. All the manufacturers have been in a very flourishing condition; the business of merchants has been going on to a great extent; and during the last twenty years a great body of small farmers have grown up out of the ranks of the labouring class,

who possess some small capital in cattle or farming stock.

But, to turn from the time past to the consideration of the probability of a considerable accumulation of capital in future, there is, it appears to me, every reason to feel confident, that a very great accumulation will rapidly take place. The entire repeal of the Union duties places Ireland under such new and such favourable circumstances, in respect to her manufactures, that no one can say what limit there will be to their extension. The experience of only a few months affords reason for expecting, that the cotton manufacture will become one of great importance; and all the other manufactures are already beginning to feel the beneficial influence of having the English market open to them. The measures, which were adopted last session for getting rid of the system of drawbacks and countervailing duties, and for placing the trade between Great Britain and Ireland on the footing of the coasting trade, have already increased it very considerably. In respect to the Excise laws, which have hitherto kept down industry, and fettered all internal trade, there was a notice, he was particularly glad to see, on the book, for this evening, for a measure to repeal the laws relating to leather and paper, and for introducing the English laws and regulations in place of them. There was also a notice of a measure, which would assist very much the progress of industry and wealth, namely, the repealing of the act of George the second; by which the banking trade of Ireland was regulated. The provisions of this act were, like all the statutes of the Irish Parliament relating to any trade, just exactly of a kind to depress and ruin the trade they professed to protect. These provisions have a direct effect to prevent banks from being founded upon large capitals, and to prevent the class of persons most competent to manage them well from being bankers. By the establishing of new banks with large capitals, on the principles of the Scotch banks, credit will be greatly extended, and thus, at once, a great additional capital will be created. If the plan of paying interest on deposits is introduced, it will lead to putting an end to the practice of hoarding that now prevails over all Ireland, and to the bringing forth and making useful a quantity of money now wholly unproductive.

Little, in fact, remains to be done in

the way of fiscal and commercial regulation to place Ireland in a proper situation to have every advantage for becoming rich, except the equalization of duties on a few articles when passing from one country to the other, and getting rid of some inconvenient restrictions, that the collection of those duties require.

But in respect to measures of a political character, that are of the highest importance in regard to their influence in impeding or promoting the accumulation of capital, a great deal still should be done. It is most essential to establish a due administration of the law. Every one, however humble his situation, should feel that he enjoys equal justice and protection, without distinction of sect or party. The principle of security of property is so imperfect as to require the constant attention of parliament. There is a great impediment in the way of commercial credit, arising out of the difficulty to enforce writs of execution. After the full exposure of the practices of sub-sheriffs in the debate upon the petition presented in the last session, by the member for Winchelsea, concerning the administration of justice in Ireland, I find, with regret, that no measure has yet been introduced for correcting them. The right hon. gentlemen, the chief secretary for Ireland and the secretary of state for the home department, told the House in that debate that a remedy should be applied; but a year has passed away, and no measure has been proposed.

There was still another, and a greater object to be secured than any of those already mentioned, to give full effect to industry and parsimony in accumulating capital, and that was the putting an end for ever to the system of disturbance and insurrection, which has so constantly existed in Ireland during the last thirty years. Those measures should no longer be deferred, that have been pointed out by a succession of the ablest statesmen, as fit to provide a proper remedy for this great evil. The cause of it should be acknowledged to be the unequal and exclusive system of law under which the people live, and the great work of a political settlement of Ireland should at last be accomplished; for until this is done all the attempts that may be made to improve Ireland will be diverted from their proper course, and rendered but of little use.

In respect to the transfer of capital from England to Ireland, great obstacles have

existed to obstruct it, but now there is a great deal going over in the natural course of trade; for since the Union duties have been repealed on cotton goods, very large quantities of cotton yarn have been sent from Manchester and Glasgow to Ireland to be wove into cloth, and in that shape returned to the owners of the yarn. In this way a considerable English capital provided employment for a number of Irish weavers. The Union duties on woollen and silk goods having been repealed in the course of this session, there is every reason to expect that worsted yarn and thrown silk would be sent to Ireland to be wove, and returned to England. Already, in consequence of the new facilities which have been afforded to commercial intercourse between the two countries, the Irish retail dealers are obtaining large supplies of goods, from Liverpool and other English towns, on such credit, that they are able to turn the goods into money before the bills, with which they are paid for, become due; and in this way also, English capital is useful to Ireland. In addition to all this, English capitalists have opened large wholesale and retail commission houses in Dublin and other large towns in Ireland, for the sale of all descriptions of English goods; so that, in point of fact, the measures which of late have been adopted for carrying general principles into operation, by establishing a free commercial intercourse between Great Britain and Ireland, have already led to a very considerable transfer of English capital to Ireland.

With respect to new legislative measures for promoting the transfer of English capital, I cannot approve of any of those which have been proposed for obtaining it by legislative encouragement. The best measure that can be adopted, and which is not of this description, is that which was lately brought before the House by a learned serjeant, the repeal of the usury laws. I believe, that the average rate of profit in Ireland would admit of seven or eight per cent being given for the use of money with advantage to the borrower; and could this rate of interest be legally received, there would be no reason to doubt, that many English capitalists would be willing to lend their money on those terms in Ireland.

The measures which have been suggested in respect to the establishing of security of property, correcting the practices of sub-sheriffs, and suppressing dis-

turbances, as applicable to promote the accumulation of Irish capital, are equally desirable in order to induce the transfer of English capital; for it is not to be expected, that, so long as so much cause for apprehending risk exists, that capital will circulate as freely as it ought to circulate through all parts of the United Kingdom.

I have now stated to the House all the various circumstances that occur to me, as calculated to explain the state of capital in Ireland. I have shown, that its actual amount is already considerable; that this amount has been accumulated under every kind of obstruction; that several measures have recently been adopted, that promise a rapid increase of it; that a large quantity of English capital now is actually occupied in giving employment to the weavers, and in affording assistance in the way of credit to the shopkeepers; and I have mentioned certain measures, that the legislature should still enact for the purpose of removing difficulties that impede the further accumulation of capital; and from all these circumstances I draw the conclusion, that Ireland is in a fair way of acquiring a great accession of wealth, and with it the means of giving more employment to her people.

But if this expectation shall be realized, still the great object of effecting an improvement in the condition of the lower orders will not be accomplished, if the present number of the people should rapidly increase; because the proportion which capital now bears to population, will not be altered, and no better wages will be paid to the labouring class, after such an increase of employment, than the wages which are now paid to them. The success, therefore, of all the efforts that individuals may make to accumulate capital, and that the legislature may adopt to remove obstacles in the way of that accumulation, will depend upon some great change taking place, in the progress with which population has of late years been going forward.

But whether or not the increase of population can be restrained, must rest upon those causes continuing to have operation, which have brought it to its present amount. To be able to check the increase of it by any direct legislative measures, would be attended with so many difficulties as to render it very improbable that any will be undertaken; and, therefore, all that we can look forward to is, the influence

of landlords, and a corrected notion being established among the lower orders, of the injury they do to each other by the custom of early marriages.

Every one, who has ever considered the question of Irish population agrees, that the use of the potatoe, as the food of the lower orders, is the principal cause of its superabundance; but this habit of living on potatoes can never be got rid of, even partially, till the people can earn sufficient wages to enable them to afford to live upon a better description of food. Mr. Malthus, who has taken great pains to inform himself of the state of the peasantry of Ireland, and who gives, in his work on the principles of political economy, a very able account of their circumstances, says, "I am persuaded, that had it not been for the potatoe, the population of Ireland would not have been more than doubled, instead of quadrupled, during the last century. *

But the use of the potatoe could never have been attended with this great increase of population, had it not been assisted by the long-established and unrestrained practice of subdividing farms. This has been carried to such an extent, as to be scarcely credible, except to those who have had an opportunity of seeing it. The origin of this practice is to be discovered in another practice, that prevailed universally some years ago, of granting leases of lives renewable for ever, or leases for three lives and thirty-one years. The proprietors in fee thus placed their estates out of their own

* Principles of Political Economy, p. 232. Seventy years ago, Ireland was one of the thinnest-peopled countries in Europe, and now she is one of the most densely peopled. Sir William Petty estimated the population in 1672 at 1,100,000. Captain South estimated it, in 1695, at 1,034,000. According to the returns of the hearth-money collectors of the number of houses in Ireland, and allowing six inhabitants for each house, the population in 1754 was 2,372,634; in 1785, 2,845,932. In 1821, according to the official returns, it was 6,846,949. Sir William Petty, Sir William Temple, Primate Boulter, Bishop Berkley, and Dean Swift, all well informed and accurate observers, who wrote prior to 1740, join in representing Ireland as exceedingly destitute of inhabitants.—*Edinburgh Review*, vol. xxxvii, p. 104.

power: their tenants became landlords over other tenants; these again over others; while the actual occupiers have followed the custom of the country, of dividing off their farms among their sons or daughters, when old enough to marry.

Under the circumstances, however, in which the landlords of Ireland have been placed, it is not just to make it a matter of charge against them, that they have wilfully or ignorantly mismanaged their estates. The practice of granting long leases arose, in point of fact, out of the necessity of the case. For let it be remembered who the landlords of Ireland were at the latter end of the seventeenth century, and under what a state of things they obtained their estates, and were obliged to manage them. The wars and forfeitures of the seventeenth century had led to the expulsion of the old proprietors, and to the extirpation of the natural tenantry of the country. The whole of Ireland, with the exception of a few estates, had been forfeited, and granted, principally, to the officers and followers of the English army, who kept the non-commissioned officers and soldiers, to make tenants of them. In this way, in a short space of time, the whole landed property changed hands, both in respect to landlords and to tenants.

Such was the settlement of the landed property of Ireland, not more than one hundred and fifty years ago. No country, surely, ever underwent such a total derangement of property. After suffering a revolution of this kind, it is by no means extraordinary that we have still remaining many of those bad practices, as to the management of it, that invariably followed. When gentlemen make a contrast between English and Irish management, let it be remembered, that the order and settlement of property in this country has been brought to its present perfect state after many ages of uninterrupted possession, and many years of internal tranquillity, and established civilization.

In consequence of the scarcity of persons fit to be made tenants immediately after the civil wars of the seventeenth century, the new proprietors were obliged to grant very long leases at low rents, to induce tenants to undertake to pay them; and the difficulty of obtaining tenants having continued, so has this system of long leases continued till within a very

few years. While the prices of corn remained low, the original and immediate tenants kept their farms in grass; they had only a few labourers living on their lands, and the population remained small in number. But when the prices of corn advanced, as they did soon after certain commercial and political disabilities were taken off in Ireland in 1776, then it became a matter of greater profit to the grazing tenant to let his land in small farms; and thus commenced the system of middle-men and small farms as they now exist. The high prices to which corn arrived since 1800, carried this practice of underletting to that amazing extent, which is the cause of the present dense population. So that the whole of the evils belonging to the subdivision of land has followed as the natural consequence of the derangement of the landed property of Ireland, which took place in the seventeenth century.

Although, however, it is but justice to the landlords of Ireland, to defend them from the charge of mismanaging their estates; they will be liable to very great blame if, for the future, they do not exert all their influence to introduce a plan more suitable to the circumstances of the present times. The old leases are now daily becoming extinct, and landlords are thus recovering their rights over their property; and if they will now steadily pursue that course, which even their own interests require to be pursued, they may contribute to produce, in a certain degree, a beneficial change, in respect of the improving of the lower orders of the people. It is most desirable that they should fully comprehend the evil of subdividing farms, and thereby of assisting to increase the population; if they will take the trouble of examining the influence of the population continuing to increase as fast as it has of late increased; and will arrive at understanding, that, if it does so increase, the increase of capital, and increase of employment, will be still inadequate to afford the labouring class good wages, and make any change in their condition; they will all be induced to act upon a common principle, of exercising their whole influence, in the first place, against any new subdivisions of their estates, and in the second place for bringing about a consolidation of small farms.

Among the causes, which are frequently set forth to account for the great population of Ireland, the system of forty shill

ling freeholders is commonly said to be a principal one. But I have some doubts concerning the accuracy of this opinion. Judging from my own experience, in my own county, I should say, that the influence of this system had been overstated; for before it became an object to the landlords to increase the number of the freehold tenants on their estates, the land had been subdivided into very small farms, under leases for twenty-one years; and when more freeholders were to be made, the way of proceeding was, to give a life to their tenants, in addition to the years for which their lease had to run. But, whether or not the same circumstances have existed in other countries, I will not take it upon myself to determine, knowing, as I do, how much in Ireland one county frequently differs from another.

The practice of giving joint leases, that is of giving a large tract of ground to several persons in one lease, to hold jointly for their common benefit, has had in some places a great effect in increasing the number of wretched families, and in keeping on foot the worst description of husbandry.

But in addition to what landlords may have it in their power to do, to restrain the future increase of families, it may not be hazarding a conjecture undeserving of attention to say, that, in the natural course of things, the progress of capital will serve in some degree to provide a new means of restraining the increase of population. For according as the farmers shall acquire capital, they will become desirous of getting more land, at the same time that they will be able to pay high rents, and be in every respect much more eligible as tenants than the labouring class, or the very small farmers. A preference will, therefore, naturally be given to them by the landlords, and thus they will be continually encroaching upon the poorer occupiers of the soil, till the whole of the country may, in time, be settled in regular farms, and the labouring class obliged to live in villages, and to subsist on their wages, in place of living, as they now do, by being cultivators of land. This course of things has of late years taken place in the highlands of Scotland. There whole districts of country, that fifty years ago were partially inhabited with people who cultivated the fertile parts of the valleys, and reared cattle on the mountains, are now wholly depopulated, and have got into the hands of opulent sheep farmers. This change was brought about by the influence of capital,

and the higher rents the sheep farmers, in consequence of their money were able to pay. Such has been the result of the competition between capital and poverty in Scotland, and there seems to be every reason for looking forward to a similar result arising, although not very soon, from similar causes in Ireland. Was it soon to happen, the next great grievance which would be heard of would be that of the landlords, still too greedy of rent, turning off the lower orders from their estates, to make room for their more opulent rivals.

I have now submitted to the consideration of the House all that has occurred to me, as fit to be stated on the important subjects of the capital and the population of Ireland. I have shown, that there is reason to expect a large augmentation of capital; but, in respect to population, I have not been able to bring forward any reasons to justify an expectation, that the increase of it is now, or soon will be, less rapid than it has been of late years; and therefore, in the view I take of the question, there appears to be no immediate prospect of such an extent of employment of the labouring class as will secure to them good and sufficient wages, and thus be attended with any improvement in their condition. Nothing can have a chance of effecting this but a great combined effort to do, upon the one hand, all that can be done to promote the accumulation of capital, and, on the other, all that can be done to restrain the progress of the increase of population.

Whether or not the attempt to carry the latter object can now be calculated upon as likely to succeed, under the actual circumstances of the population of Ireland, is, in my opinion, extremely doubtful; and I am on the whole disposed to come to this conclusion, that there exists a probability of the most alarming and injurious consequences, flowing from a still further increase of the people, so strong and so well founded as to demand the most serious and immediate attention of government and of the legislature.

In thus placing the practicability of improving the condition of Ireland, upon the proportion which capital shall be brought to bear to population, I may with some confidence say, that I advance no new doctrine, nor one that is disputed by any person of authority on subjects of this kind. This doctrine rests upon the principle, that no country can be really in the state it ought to be in, till its la-

bouring class are well paid, and able to enjoy the comforts and conveniences of life, and thus become themselves the consumers of the productions of each other's labour. To be in such a state, a country must have acquired great wealth; and, in the first instance, therefore, in order sufficiently to employ its people, it is wealth that Ireland mainly stands in need of. If, at the same time that wealth is acquired, the population shall be restrained, every improvement will follow; for this is the true source of every thing that is valuable and perfect, in manners, morals, and civilization. This has been the case in all nations and in all ages; and, as the acquiring of wealth will chiefly contribute to secure these great objects, so will the want of it explain the cause, why Ireland and many other countries still are to be found filled with misery and disorder.

Before I conclude, I beg to call the attention of the English part of the House, to the consideration of the manner in which the best interests of England may be affected, if the population of Ireland shall go on rapidly increasing. England is not only greatly interested in improving the condition of the lower orders in Ireland, for the sake of Ireland, but also for her own sake, and to prevent a deterioration in the condition of her own labouring class. For, suppose the population of Ireland shall go on increasing from seven to ten or to twelve millions, without being employed in Ireland, will not immense numbers, in the course of time, find their way over to England? Although I differ from those members, who think that emigration from Ireland to the Colonies might be carried on to an extent to make an impression in reducing the population, and that on the grounds that it would merely afford greater facilities to the remaining population to increase their numbers, unless some very strong measures were taken to prevent such an increase; I feel quite certain, that there will be a great emigration of labourers from Ireland to England; not of labourers coming over for the harvest and returning to Ireland, but of young able labourers, who will settle permanently in England. This practice is already becoming very general. The wages and treatment they receive in England enable them to write home very favourable accounts of themselves; and, what is still of greater influence to others to follow their example, they send money to their relations. When I was in Ireland

last winter, I heard of several young men, who were seeking certificates of character, preparatory to setting off for England; and from all the information I collected, I found that the practice was becoming general.

Every thing is favourable to this species of emigration; the facility and safety of communication has contributed to promote it; and if the present small farmers are prevented, by a change in the mode of managing estates, from dividing their farms among their sons, their sons will be obliged to leave home, and they will naturally go to England. But, if this emigration shall become as extensive as a greatly increased population will admit of, and if the consequence of multitudes of Irish coming to England should be the introduction of the potatoe diet to a considerable degree into England, will not the wages of the English labourer be lowered, his means of living comfortably diminished, his habits changed, and also his feelings and his disposition; so as to produce a very mischievous alteration in the condition and character of the lower orders of this country? May not, and will not such a transfer of people from Ireland to England, in this way, contribute to a great increase in the poor-rates? Surely then, under a probability of these things taking place, it well becomes those, who are entrusted with the care of the interests of England, to use every exertion to avert so great a public calamity as the depression of the condition of the lower orders. When it is considered what an important part of society the lower orders of this country are, how much the character, the wealth, and the power of the country depend upon them, no greater duty can devolve upon parliament than the protection of them from such a competition, as would confer no advantage on any one, and could only be followed by their degradation and ruin.

On the other hand, if by taking proper measures in time, Ireland shall become so wealthy as to be able to employ all her own people, how numerous and important are the benefits that will be the result to England? In place of the people of England paying, as they now pay, between three and four millions a year, for defraying that part of the public expenditure which belongs to the administration of government and to the debt of Ireland, she would, as a necessary consequence of Ireland becoming a wealthy country,

receive from Irish taxation a considerable net revenue in aid of her own. The present consumption of taxed commodities is nothing in Ireland, in comparison to her population; but, if from two to three millions of people could be raised from their present condition, so as to be enabled to purchase such commodities, the produce of the taxes upon them would be increased to a very great amount. Such a result under the financial circumstances of England, would be no small aid, not only by its operation in diminishing the charge upon England, but by the means which it would afford, and that to a very great extent, of reducing the taxes now paid in this country.

Feeling, Mr. Speaker, as I do the great importance of applying acknowledged and established principles to the inquiry into the state of the peasantry of Ireland. I shall not say any thing upon the various topics that might be urged on the present occasion, that would lead the attention of the House from the way of viewing the subject, that appears to me to be the most useful and most correct.

In respect to the second part of the case of the Irish peasantry, the disturbed state in which they are habitually living, as the discussion on the renewal of the Insurrection act will afford frequent opportunities of speaking upon it, I shall postpone making any further observations: and I shall conclude by seconding the motion that the noble lord has put into your hands.

Mr. Goulburn said, that in the observations which he should feel it his duty to submit to the House, he would endeavour to confine himself to those questions which ought properly to be taken into consideration on the present occasion, and would avoid entering into the wide field of inquiry which had been opened by the noble lord. If the House would recollect the part which he had taken when questions of a similar nature had been discussed, they would have little doubt as to the course which he would pursue with respect to the present motion. He could not, consistently with his sense of duty, accede to the motion of the noble lord. But, when he stated this, he begged leave to say, that he felt no disposition to limit any inquiry into the state of Ireland, except so far as appeared necessary in order that any such inquiry might be attended with an advantageous result. The noble lord called for the appointment of a com-

mittee to take into consideration the general state of Ireland, both with respect to its past history and its present situation. The noble lord's argument was, that because a committee of that House might be able to accomplish this arduous task, it ought therefore to undertake it. He (Mr. G.) was of opinion, that if a committee should be appointed to take into consideration all the topics to which the noble lord had adverted, little hope could be entertained that their labours would produce any useful result. What were the subjects which the noble lord wished to be submitted to the consideration of a select committee? The relations between landlord and tenant—the state of the revenue—the whole history of grand jury presentments—the church establishment—the tithe system, both past and present—and, above all, the proposition, whether what was called the Roman Catholic question was not the origin of all the evils which afflicted Ireland. These were the subjects which the noble lord wished to persuade the House to refer to a select committee. He would ask the noble lord to reflect, and then to say, whether he considered the last question a fit subject for the consideration of a committee of that House. If it were, why had the House for the last twenty years been debating that question? If the report of a select committee would settle that important question, why had it not been resorted to at an earlier period? Although he was not disposed to consent to the noble lord's motion, it was his intention to submit to the House the necessity of instituting, by means of a select committee, an inquiry into the most considerable branch of the subject, which the noble lord had introduced to the notice of the House. The House would recollect, that not many days ago he had given notice of a motion for the appointment of a select committee to inquire into the nature and extent of the disturbances which prevailed in several districts of Ireland in which the Insurrection act had been in operation. Having by an accidental circumstance, lost the opportunity of bringing that motion before the House at the time for which he had fixed it, he intended to move it as an amendment to the noble lord's motion on the present occasion. When it was recollected, that the Insurrection act had been in operation in several large counties of Ireland, namely, Cork, Limerick, Kilkenny, Kerry,

and Clare, it could not be said that the inquiry which he proposed would not give a pretty fair view of the state of the country. The argument of the noble lord was, that because there had been a partial disturbance in Ireland, it was expedient to institute an inquiry into the general state of the country. Such a course had never been pursued on any former occasion. It would, however, be remembered, that in the last session he had stated, that should it unhappily appear to be his duty to apply for a renewal of the Insurrection act, as applicable to particular districts, it would be necessary for him to move the House to preface such a measure by some careful inquiry into the state of those districts. And though at the beginning of that session hopes were entertained by his majesty's government that it might be dispensed with, it was soon discovered, that the state of insubordination and disorder in which some parts of Ireland were plunged was such, that the noble lord at the head of its government was compelled to apply for its enactment. Having stated the reasons upon which he should propose to proceed on the subject now before the House, he would next address himself to some of the subjects which had been touched upon by the hon. baronet. One of the charges which that hon. baronet had adduced against the government of Ireland was, that notwithstanding all the representations and complaints which had been made to it, respecting the manner in which the offices of sheriffs and sub-sheriffs of that country were filled and their functions discharged, nothing had been done to remedy the grievances alleged. But this was hardly doing justice to the government; who had, in truth, taken every possible legal means to remedy the mischiefs that had existed, owing to the state of those departments. Attempts also had been made to bring guilt home to certain individuals to whom it had been strongly imputed; and if those attempts, in respect of persons who were suspected of having misused the rights and authority of office, had not been prosecuted to inquiry into their conduct, it was only because it did not seem to the government advisable, under the present circumstances of Ireland, to pursue matters to that extent. But, it was well known that active and intelligent commissioners were carrying on investigations in that country, among which the state of these offices was included as a principal

subject of inquiry; and very shortly he should be prepared to lay upon the table the report of their proceedings. The noble lord had insinuated broadly, that Roman Catholics were studiously excluded from those offices and appointments to which they were by law eligible: but, in his warmth, the noble lord surely had stated this proposition more strongly than he himself could have intended. As this was a topic upon which he was anxious to exonerate the government of Ireland from all blame, the House would excuse his entering into an explanation. In the first place, he begged to repeat his former assertion, that in every appointment to offices in Ireland, where Catholics had been by law eligible to fill them, there had not been, either on the part of the present lord-lieutenant, or of those who acted immediately under him, any consideration shown for the religion of any party. It had been felt by the members of the government to be their duty, in all cases, to appoint the most fit officer to be employed, without regard to the nature of his religious persuasion. For his own part, he could conscientiously affirm, that since the period of his connexion with Ireland, since the appointment of the marquis Wellesley, he had been generally in total ignorance of the religion professed by the government officers; and in that ignorance should probably have remained up to the present hour, but for the inquiries that had recently been directed by parliament on the subject, and of which the printed results were now in the hands of members. If the House would recur to the late appointments in the police, they would detect nothing like the systematic exclusion which had been complained of. By the lists upon the table, it would be seen, that of the 1,800 persons employed in the police establishment of Ireland, 900 were Roman Catholics: and this would appear a fair proportion, when the peculiar circumstances of the country were taken into consideration. On every principle of justice and expediency, the government were bound to enlist in this important service those who had been already tried and found trust-worthy, without any regard to the religious tenets they might happen to profess. It was also to be recollected, that when this police was newly organized, the militia of Ireland had been just disembodied: it became, therefore, impossible for the government not to listen to the claims of

those who, having been already most effective in one branch of their service, now offered themselves as candidates for another. On the whole, he thought it was obvious, that the government had acted with the strictest impartiality towards its Roman Catholic subjects, and with the consideration due to their merits. With respect, again, to the legal appointments made by the present lord-lieutenant, no man could examine them without at once seeing that the lord-lieutenant had not been actuated by any exclusive feeling, but was quite willing to extend to Roman Catholic talent and desert every possible encouragement. Since the present lord-lieutenant had presided over the government of Ireland, official situations in that country, to the value of 8,700*l.* a year, had been conferred on different persons. Of these, appointments, to the value of 3,000*l.* per annum had been bestowed upon Roman Catholics. There was, therefore, no ground for charging the Irish government with entertaining a desire to exclude Roman Catholics from the fair participation of office. Another subject to which the noble lord had adverted was, the interests of the church establishment of Ireland; and from his views on that subject, it seemed as if the noble lord thought that a different distribution of its revenues, or at least a diminution of them, would be productive of benefit. On that very momentous consideration, he (Mr. G.) was prepared explicitly to say, that he considered the wealth of that establishment as most conducive to the general interests. He admitted that the Irish church was most liberally and amply endowed; that, compared with the church of England, it was greatly superior in wealth; yet still he would contend, that in the circumstances of Ireland, taking into consideration the double duty which the clergymen of that establishment discharged—viewing them in their joint capacity of ministers of religion and resident gentry, that remuneration should be dealt out to them undivided and unimpaired. In reference to the observations that had been made respecting the conflicting parties in Ireland, his opinions and wishes were decidedly opposed to their continuance. To one of them he would address his earnest entreaties, that they would desist from proceedings fraught with inevitable mischiefs to their country; and to the Orange-men he would say, “Abandon a system,

the evil effects of which produce disquiet to the kingdom, and may ultimately revert upon your own heads.” Thinking that the course he should propose was calculated to produce the utmost benefit that Ireland could derive from this sort of proceeding—that it would lead to that inquiry which was necessary to found any future measures in her behalf, and prevent those endless differences which might otherwise arise, as to the mode of ascertaining how far it was possible, effectively and speedily to restore peace and prosperity to Ireland, he should move as an amendment, to leave out all the words of the original motion, after the word “into,” and to substitute in their stead these—“The nature and extent of the disturbances that have prevailed in those districts of Ireland which are now subject to the operation of the Insurrection act.”

Lord Milton observed, that he fully concurred with the right hon. secretary for Ireland, that it was essentially necessary to inquire into the nature and extent of the disturbances which had so long prevailed in certain districts of Ireland; but, while he felt that necessity, he could not accede to the limited proposition of the right hon. gentleman, which endeavoured, by a side wind, to get rid of that general and comprehensive investigation, which was alone competent to put parliament and the country in possession of the real situation of the people of Ireland, the evils which afflicted them, and the correctives which such a continued state of distress and discontent required. One thing, however, was admitted by the speech of the right hon. gentleman, the admission of which, however to be regretted, was still an advantage in looking to the future. It was that at least in a part of that country there had been a long continued system of misgovernment. After six centuries, since the conqueror gave the law to a conquered people, the secretary to the Irish government had admitted, that though in some districts the condition of the people was favourable, yet in large, and opulent, and important districts of Ireland, such was its actual state of distress and insubordination, that at length the long-denied parliamentary inquiry was essentially necessary. But still it was necessary, that the powers of that House, in making such inquiry, should, in the view of the right hon. gentleman, be partial. He had presumed, that, by adding together the dif-

ferent kinds and degrees of information, which, from one channel or the other, had been collected, the House of Commons could obtain the fullest information. There he differed with the right hon. gentleman; for he apprehended, that it was impossible for that House to understand the actual condition of Ireland from any such limited information as that which the state of the counties under the operation of the Insurrection act, could afford. The evils of that country were, he feared, too deep-seated to be understood without a far more comprehensive inquiry. We should ascertain many other points. We should know the genuine relation in which landlord and tenant, employer and operative, stood in respect to each other. We ought to be accurately informed of the reciprocal relation in which the different religious sects of that country stood towards each other. He knew it was a very general opinion, that the exclusion of Roman Catholics from eligibility to office, was not one of those evils which was felt generally by the Irish population—that the great body of that community were uninfluenced by the disqualifications of its higher orders. Nothing, he believed, was more ill-founded than that assumption. It was impossible to degrade any portion of a large community, without every member of it feeling personal degradation. To exclude the higher orders of the Roman Catholic body from all share and participation in the government of their country, was not alone felt by them as a degradation. The stigma was felt also by the middling, and even by the humblest order of that community. He spoke from personal observation, when he asserted, that the humblest labourer in Ireland, the tenant of the mud-walled cottage, felt, as a personal indignity and degradation, the exclusion of the Roman Catholic peer from his just share in the government of the country. Another great error prevailed with respect to this point. It was believed, that there was no real ground of complaint, because there were no offices to which the middling classes of the Catholics could be appointed, from which they were excluded. The fact was directly the reverse. There existed a number of offices which they could fill, but which the exclusion system withheld from them. Sufficient had fallen from honourable members of that House, to warrant that general inquiry which his

noble friend called for. The gallant member for Fermanagh (general Archdall), had unequivocally declared that, in Ireland, the terms Protestant and Orangeman were synonymous, and that for the personal safety of the Protestants it was necessary to unite and organize. Such was the declaration of an Irish landlord, a representative of an Irish county. Candidly and unequivocally, he had stated, that it was necessary to the security of the Protestant proprietor of the soil, that he should be arrayed in a hostile association against his Catholic tenantry. Was that a state of things compatible with good government? Was that a condition of society which could last? Had not that condition, so horrible to contemplate, so irreconcilable with good government, been the result of law? After six centuries of misgovernment, after two centuries and a half of proscription, after the confiscation of nine-tenths of the property of the Irish people, still continuing the remnants of that proscriptive code which made five-sixths of that people slaves, and invested the remaining sixth with the character and power of a tyrannical oligarchy, was it to be wondered at that Ireland was thus circumstanced? Was that a state of things which ought to last? Was it not a state of things that parliament ought fully to investigate; or could it, if it did not inquire, expect that any people would submit to be longer governed under it? The House had had a speech from another hon. gentleman from Ireland (the member for Cavan), who, with somewhat of the warmth of youth, had declared it the intention of the Ribbonmen to separate Ireland from Great Britain, and massacre all the Protestants. If these statements, proceeding from such respectable authorities, were at all founded, was not that another unanswerable reason for inquiry? If they were true, what was the inference? That the Protestants of Ireland, consisting of one-fifth of the population, were a mere garrison in that country, hemmed in and surrounded by hostile armies, four times more numerous than themselves. He did not, in his own judgment, believe that either of these statements was borne out by the fact; but as such was the impression of highly respectable members, possessing a just influence in that House, it was conclusive in his mind to warrant the adoption of his noble friend's motion. The right hon. secretary for Ireland had viewed the church

establishment of that country in rather an extraordinary light. He (lord M.) was not disposed to indulge in any thing which might be supposed to reflect on the Protestant Church. But when the right hon. gentleman talked of viewing them in the double capacity of ministers of religion and resident gentry, he must say, that with respect to the latter character, it was idle to expect that the Irish people should so consider them. Surely there was an admitted difference between the proprietor of the soil, in his connexion with a tenantry, and a resident clergyman, known only to them by his demand for his tithe. In Ireland, too, where that tithe was drawn from a population, nine-tenths of whom were of a different religion, did not a resident landed gentleman stand in a far different light from such a clergyman? The owner of the soil must, from the nature of circumstances, have an interest in the prosperity of his tenant, while the clergy of the Irish establishment had none. A thorough inquiry into the state of Ireland must at length force itself upon the attention of that House. Very great ignorance prevailed in England as to the actual condition of that country. That ignorance must be dispelled; and no mode was better calculated to produce such a result than the motion of his noble friend. The report of such a committee would spread great knowledge throughout the whole kingdom. Until the gentry of Great Britain were made acquainted with the real condition of Ireland, that country would continue to be misgoverned. He did not believe there was a country in western Europe, so little known to the people of England, as that very member of the Empire—Ireland, which had now been connected with it for 600 years. How was it that the capitalists of England were afraid to transfer capital to that country? Was it not the consciousness of insecurity in Ireland? Whence came that insecurity? Was it not from continued misgovernment? But, unsatisfactory as was the state of Ireland, he must say that there existed alarms in the minds of the English capitalists on this point which were not justified by the circumstances. He was satisfied, however, that if English capital went to Ireland, it must go thither by the natural course of things, and not in consequence of any forced system. He was anxious for the committee proposed by his noble friend, in order that

the English capitalist might be told that his capital might go to Ireland in perfect safety. It had been said, that the disturbed state of Ireland was attributable to something in the national character of the Irish. The fact, however, was, that it had been produced by the English; who had begun by conquering, and ended by barbarizing Ireland. He had listened with great satisfaction to the advice which the right hon. gentleman had given to the Orange lodges in Ireland; and he begged to suggest that there were ways of conveying that advice, and especially to public officers, which would render it effectual. It had been the system of England to govern Ireland by a faction. To secure their influence in Ireland, the English government had had recourse to acts of corruption. If the House would look back to the history of Ireland for the last century and a half, they would find, that the great men of this country seemed to consider Ireland as a place in which they could satisfactorily provide for their dependants; and to fancy that those who could not be retained in this country with any deference to public opinion, might be advantageously sent to the sister island. Of this he was persuaded, that the condition of Ireland would never be extensively and permanently improved, until the government was strong enough to say to the Orangemen and the Ribbonmen that they should not array themselves hostilely against one another. Whenever he found a government ill-administered, he always ascribed the fault to the governors and not to the governed. But it had been the fashion, with respect to Ireland, to shut their eyes against the fact; to take it for granted, that all that was doing was right, because what was done by government could not be wrong; to conceive that the higher orders in that country were all perfection, and the lower all imperfection. All the circumstances which had hitherto conspired to produce misgovernment must be known, before it could be expected that Ireland would be governed well. At present, the state of Ireland was full of anomalies and absurdities. If a Roman Catholic priest presumed to marry a Catholic to a Protestant, he was liable to a fine of 500*l*. It was, indeed, still capable of legal argument, whether the Popish priest who solemnized such a marriage, was not liable to the punishment of death. The law by which such

a punishment was denounced, had been repealed only by implication, and not by positive abrogation. Therefore if any one asserted, that the penal code of Ireland had ceased to be oppressive and sanguinary, he denied the accuracy of the statement. One circumstance, of great importance, was the influence which the Catholic priesthood possessed over their flocks. He by no means wished that influence to be destroyed; but he wished it to be rendered more moderate and beneficial to the country. The best way of effecting this desirable object would be, by making the Catholic body so enlightened, that no pernicious influence could be exercised over them. The circumstances which rendered inquiry advisable did not exist in Munster only, to which province principally the right hon. gentleman would wish the investigation to be confined. It was requisite that the condition of every part of Ireland should be made known to the people of Ireland, in order that they might appreciate the value of the government of that country—he did not mean the government of the noble marquis at present at its head, but of the government generally, of the upper branches of society, as standing in relation to their inferiors. This was a part of the subject of especial importance: for nothing could be more conducive to the improvement of Ireland, than an accurate knowledge of the strict relation of the different orders of society in Ireland. A fine specimen of the disregard of the upper orders in Ireland for the opinion of the lower, had very recently been manifested. Could any one believe that the bill which had lately been introduced into that House, and which the House had, much to its honour, rejected—could any one believe that any man belonging to a cathedral church in England would have dared to submit such a bill to parliament as had been submitted to it by the cathedral church of Derry. Did not that shew the necessity of instituting an inquiry into the state of a country, in which a measure could originate, which no man in England would have ventured to think of? On all these grounds, he should cordially support his noble friend's motion.

Mr. *North* perfectly agreed with the noble lord as to the necessity of investigation into the state of Ireland, and was persuaded that there could be no objection, on the part of his majesty's govern-

ment, to such a fair inquiry as would be calculated to elucidate that state, and to suggest the best means by which it might be ameliorated. In Ireland the people had, for a series of years, suffered a variety of misery. They had proceeded from one affliction to another. Each season brought its peculiar horror. In one it was famine; in the next it was fever; in the third it was murder. These sad events seemed to form a perpetual cycle, the parts of which were of regular and mournful recurrence. The evils which all felt, all ascribed to different causes. The peasant attributed them to the rapacity of the landlord; the landlord to the bigotry of the clergy. For his own part, he believed that they originated in many causes. He perfectly agreed with the noble mover, that one of the most conspicuous causes of the disturbed condition of Ireland was its unemployed population. No political axiom was more certain, than that there was no state policy, no secret of government, by which it was possible to reconcile tranquillity with idleness. All the arts of civilization were, in fact, but so many expedients to make peace and industry mutually productive of each other. To an energetic people, especially, employment was a positive want. They had as eager an appetite for it as for their food. Where such a people were left without occupation, they became wild, untameable, and ferocious. Disguise it as they might, such a people were in a savage state, and fluctuated, as the history of Ireland but too plainly proved that the Irish people fluctuated—between hopeless indolence, and desperate mischief. Placed at the very bottom of the scale of human beings, the Irish peasant never looked upwards. He was excited by no emulation—he was inspired by no hope—he was deaf to every whisper of ambition—he was influenced by neither fear of degradation, nor expectation of advancement—he remained fixed on the spot at which he first drew his breath, without the wish, and still more, without the power of motion. He saw whatever existed of prosperity among his superiors, placed at an immeasurable distance from his grasp. He saw himself surrounded by men of a religion different from his own, whose interests appeared to him to be at variance with his own, and whose chief or sole business he supposed to be, armed as they were with the sword and the law, to keep him quiet and poor. Under such cir-

cumstances, his character became hardened and desperate. He saw in the violation of the law, no moral culpability; he transgressed it, therefore, without self-reproach; and when his misdeeds brought upon him their apportioned punishment, he suffered under its infliction with the triumph of a martyr, and not with the compunction of a criminal. All the noble traits of such a man's original character became degraded and debased. His courage was converted into ferocity, his intelligence into fraud; his whole state and condition was gradually deteriorated; and the peasant was at length lost in the murderer and the incendiary [hear, hear!].

These two circumstances, the place which the Irish peasant held in society, and his want of employment, were unquestionably the chief sources of the perturbed condition of Ireland. But he who wished accurately to estimate that condition, must take care not to overlook the power and influence of habit. Hitherto that consideration had not been sufficiently attended to by those who contemplated the state of the Irish people. They had been too apt to forget the extraordinary influence of example and habit, operating from generation to generation, inherited from ancestors, and transmitted to posterity; wave following wave in endless turbulence and barren succession. The first of the great political evils which Ireland had endured was its imperfect conquest. Ireland was wasted and overrun; but, from the reign of Henry the 2nd to that of Elizabeth, it had never been subdued. The mischiefs resulting from this imperfect conquest was speedily followed by those which flowed from religious animosities. The Reformation, which ought to have delivered Ireland from a large portion of her sufferings, only tended to render them still more severe. It was accompanied by repeated confiscations, destroying and confounding all the rights of individuals; and the succeeding century opened with the establishment of that dreadful penal code, which had left prejudices in the minds of the Irish people not yet eradicated.

Who was entitled to say that he was prepared with a specific remedy for such complicated evil? What man was there so absurdly sanguine as to imagine, that he could close in an hour a wound which had been kept open and festering for ages [hear, hear!]? Why did he say

this? Only to make the House fully aware of the nature and magnitude of the evil with which they had to struggle, in order that they might not trifle with it, or attempt to subdue it by weak and inefficient measures. For that part of the evil which was to be found in want of employment, there were several remedies, all of which deserved serious consideration. He would not speak of that remedy which had a few nights ago been proposed in that House, and had been repeatedly debated: but he would advert to that which had been recently mentioned by an hon. baronet (sir F. Burdett), a friend of his, and which certainly appeared to him to be highly eligible—he meant emigration on an extensive scale. One of the best maxims for a legislature in its efforts to ameliorate the condition of a people was, to “consult the genius of the place in all.” Now, if he knew any thing of the character of his countrymen, they were fond of novelty of adventure; they longed for new scenes with a restlessness of disposition which, though certainly hostile to habits of domestic industry, was extremely favourable to the spirit of emigration. In fact, there was among the people throughout Ireland, a general desire for emigration. Their perpetual talk was of strange and remote countries; of

“Some safer world in depths of woods embac’d,

Some happier island in the wat’ry waste.”

He perfectly well knew, that any plan of extensive emigration must be attended with many practical difficulties. He also perfectly well knew that, after all, it could be but a palliative; that it must be temporary in its operation, and could produce no permanent effect on the condition of the people. He perfectly well knew, that greatly and lastingly to improve the condition of the people, the great depositaries of power and influence in the country must principally be looked to. In every country such depositaries existed: in no country was their existence more distinctly indicated than in Ireland. One of the chief depositaries of power and influence in Ireland was the Roman Catholic priesthood. They ought to be enlisted in the cause of Irish improvement [hear!]. They knew the people; they possessed the affections of the people; every thing that proceeded from them came with the weight of acknowledged authority. If there was one measure more than any other which ought to be adopted by those

who wished to ameliorate the condition of the Irish people, it was, that the Catholic clergy of Ireland should be very much raised in the scale of society. It was, above all, desirable that their elevation should be the act of the government [hear, hear!]. This was, in his opinion, one of the chief means which ought to be adopted. The next depository of the power to which he should advert, was one, which, perhaps, did not possess such great and immediate influence as the Catholic priesthood, but which nevertheless possessed considerable, and what strongly recommended it, increasing influence—he meant the Roman Catholic laity. No man who had observed Ireland attentively for the last twelve or fourteen years, but must be astonished at the rapid progress which had been made by the Roman Catholic laity. The truth was, that the very discussion of the Catholic question, both in parliament and in the country, had been eminently serviceable. Although that question had unfortunately not been carried, yet, by a sort of moral compensation, the very agitation of it had been the means of materially improving the people. The very disabilities under which the Catholics laboured had acted as a powerful incentive to their exertions; they had stimulated them to a career of accelerated progress and increased momentum. He would refer, in proof of his assertion, to the single profession of the law. Those who knew Ireland, knew well that, fifteen or twenty years ago, such a thing as a Roman Catholic barrister was almost unknown in that country. Now, however, there were many Roman Catholic gentlemen at the Irish bar; men possessed of distinguished talents, of profound erudition, of unwearied industry, enjoying and deserving the confidence of the public, by the purity of their honour, the soundness of their integrity, their love of truth, and their manly spirit; and well qualified to fill every situation which the law opened to them, with the highest credit to themselves, and with the greatest advantage to their country [hear, hear!]. He lamented, however, to say, that the good effects which might naturally be expected from such a body of men were greatly checked and diminished by a spirit of jealousy and distrust which was unfortunately cherished; and by a love of flattery, which frequently induced a preference of supple slaves as friends to honourable men. He would strongly exhort his Catholic bre-

thren to subdue this feeling. But he begged not to be understood as casting any imputation on his Catholic countrymen. He knew that the feeling to which he had alluded arose out of circumstances beyond their control, and of which they were the victims. The effects had scarcely yet subsided in Ireland, of that party spirit which four or five years ago pervaded that country like a malaria, and with its pestilential miasmata infected even the noblest and the finest natures.

What must have been the state of society produced by this party spirit—a state which he trusted was over, or nearly so—when the efforts of the meanest and most contemptible man in society, was enough to involve a whole country in confusion—when the movement of a journeyman-carpenter, or an under sexton, when a sentiment or an epithet, was enough to produce so tremendous an evil? The materials of the flame of discord were ever ready, and an infant's hand might at any time light them. The two parties into which Ireland was divided, might be said to subsist by mutual discord. He was sure that he yielded to no man—it had been the feeling of his life from infancy—in earnest wishes and prayers that the tranquillity and happiness of Ireland might be secured by the total abolition of all party distinctions in that country. But, when they were told, as they had been by the noble member for Yorkshire, that this object ought to be effected by a direct interference with the opinions of individuals either of one mode of thinking or of the other; when they were told, that Orangemen ought to be put down with a strong hand; and that gentlemen who had received from their ancestors the opinions which they entertained, ought, unless they relinquished those opinions, to be removed from office; he begged leave to say, that such advice was most pernicious and fatal. If it were followed, the effect of it would be, to involve Ireland in new disorders, and to perpetuate disunion and discord. The triumph of one party would, of course, plant a feeling of deep resentment in the breast of the other. The result of such a system would be, to keep both parties alternately hoping and fearing, each looking to that change in the government which might give it the ascendancy. Now the Orangemen and now the Ribbonmen would predominate, and between them the country would be in a state of perpetual disturbance.

No man could be more aware than himself of the difficulty of the course which government had to pursue under the present circumstances of Ireland. It was a course which required the utmost exercise of temper and forbearance. It was a course full of difficulties, but, as in all cases of difficulties subdued, full of honour. The effect might be gradual, but it would be sure. Let them have patience, and they would see party spirit gradually subside in the country. It was not a conciliatory government which he wished to see; but an impartial government. What recommended the present government of Ireland to him was, that, in his conscience, he believed that government to be perfectly impartial; and because he believed that no man, either here or in Ireland, was preferred or neglected on account of his having given this opinion or that opinion, on the question of Catholic emancipation [hear, hear!].

He would now dismiss that part of the subject. But he begged to say one word, although he acknowledged that it was rather irregular, on the state of the church in Ireland. He was not now to consider whether or not the Protestant church ought to have been originally established in Ireland. At the present time of day that was not a fit subject for discussion in parliament. It might amuse a speculative man at his desk or in his closet; but it was not a theme for practical inquiry. He found the Protestant church established; and all he now asked was its character? He had lived with the Protestant clergy from his youth. The men with whom he had been linked in the closest habits of affectionate intercourse were members of the Protestant church of Ireland. He knew no class so distinguished for its worth, for its talents, for its virtues, aye, for its liberality [hear, hear!]. They might look back without a blush to the great predecessors whom they had succeeded; to the learned Usher, the pious Vidal, and the scientific Berkeley. On the other hand, no man respected more than he did, the country gentlemen of Ireland. On them rested the hope which he entertained of benefit to his country. But if they would advance and array themselves in hostility against the church of Ireland, he must honestly acknowledge that, called upon to decide between the two classes of men, he would give the palm to the clergy. For his part, he was by no means displeased to see an arch-

bishop of Cashel or an archbishop of Tuam, in possession of six or seven thousand a year; and could not conceive why such an individual might not spend his income in a manner that would be quite as beneficial to the community, as the way in which the duke of Leinster or the duke of Devonshire might spend his. When a clergyman was selected for his talents or his virtues, to be elevated to the Irish episcopal bench, and went to his see in consequence, he there met his old friends, the companions of his youth, to whom and with whom he was familiar, who hailed his arrival with pleasure, and contributed to the extent of their power in furthering all his useful plans of improving the diocese. What was the case with the nobleman? He was educated at Eton and at Oxford, where he received impressions which, being distant from his country, had no reference to his country. When his education was complete, he visited the continent; travelled through Germany, Italy, Greece; and, at length, returned to Ireland to take possession of his estate. There his first object was, to examine the leases which his father had granted, with a view of discovering in them such flaws as would be proved productive. Having effected this important purpose, he went to England; and his tenants and countrymen knew nothing more of him until they saw in the newspapers that in a debate either in that or in the other House of parliament, he had indulged in invidious reflections on the Protestant clergy of Ireland [hear, hear!]. He could assure the House that he had not drawn this picture with any view to throw reflections on his countrymen. He knew that numbers of them by no means answered this description, but on the contrary, were most energetically and laudably employed in improving the character of their immediate neighbours.

He would now proceed to consider the proposition of the noble lord for a select committee on the state of Ireland. If the noble lord merely meant his motion as something which would advantageously call forth the opinion of gentlemen well acquainted with Ireland, to such an object he could not possibly object. But if on the other hand, the noble lord thought that his motion would lead to any practical result, he entirely differed from him. The fact was, that the subject was infinitely too large and complicated for the investigation of a committee [hear, hear!].

Were such a committee to be appointed, it must be divided into companies, each having its own department of investigation. What were the questions which it would be necessary for such a committee to consider? First there was the state of the population, a subject of intolerable extent; then there were the abuses of the grand juries, on which also much might be said; afterwards there was the appointment of sub-sheriffs; and last, but not least, the whole Catholic question. And what was it that the noble lord expected? That the question should be decided, not by evidence, but by argument, and by appeal to the great principle of our nature. It was difficult for the imagination to conceive the variety of questions to which the committee proposed by the noble lord must apply themselves. They would have advisers of both religions; they would have counsellors of both sexes; they would have before them, at one and the same time, the theories of the last week, and the prejudices of the last century; and, after labouring for years through conflicting testimony, they would arrive only at that which they might previously find in a variety of pamphlets, books, and speeches. The state of Ireland was too large a subject for a committee. It must be confided to the government. It could not be confided to one man or to another man. Every man must share in the investigation, and every man must share in the awful responsibility which followed. As an Irishman, he was grateful to his majesty's government for what had been done respecting Ireland. He was also grateful to them for not having done more; because he was persuaded, that the sure way to do harm was to fill one's hands with more than could easily be accomplished. The mode of collecting tithe had been amended by a measure from which more practical benefit had accrued than could have been possibly anticipated by those who were acquainted with the state of Ireland, and who were aware of the difficulties inseparable from an attempt to ameliorate the existing system. The petty sessions had effected a great deal of good in Ireland. He could not avoid alluding, also, to those principles of free trade which had been so beneficially acted upon in Ireland, and the advantage of which was felt throughout the whole of the eastern countries. He entertained a pious confidence that the time would shortly arrive, when it would please Pro-

vidence, in his mercy, to enlarge and open the hearts of the people of England to the reception of a just and liberal policy, and that we should be made, what we had never yet been, a united people. That we should forget those distinctions between Orangemen and Ribbonmen, between Protestants and Catholics, which had divided, and degraded, and impoverished Ireland. He was aware, however, that this hope could not be entertained, unless the country gentlemen of Ireland warmly seconded the attempt. It was from their influence, and not from any crude attempts at legislation, not from any idle schemes which could never be executed, that any permanent good could arise; it was from their personal influence and their personal care, and personal influence in their own sphere, and on their own estates, that these happy results were to be expected.

He was now about to give utterance to a sentiment, which, he was aware, would be considered by many gentlemen as savouring strongly of Irish prejudices, but which, he was sure, sprung from an ardent affection for his country; and that sentiment was, that if any of their institutions were to be modified, or changed, or reformed, that modification and reform should come from the country gentlemen of Ireland. From the observations he had made during the short time he had held a seat in that House, he felt disposed to deprecate any modification or change from any other quarter. The country gentlemen of Ireland were alone possessed of that practical knowledge of the country which was essentially necessary for the purpose of effecting any modification with security. The country gentlemen could alone appreciate opinions, and even prejudices which it was necessary to respect. They would do nothing hastily or intemperately; they would avoid those errors into which others, though actuated by the best intentions, were likely to fall. He respected the motives of those who came forward with propositions for the relief of Ireland; but he confessed that he thought nothing more likely to do mischief than a perfect consciousness of purity of motive, accompanied with an imperfect knowledge of the subject. It was from his own countrymen alone that he anticipated any thing like a safe and secure reform in Ireland. Let them begin by reforming themselves. If he might use an expression, which had been before applied in that

House, he was satisfied that if others, probed the state of Ireland, they would probe it too roughly. Interests which commanded their esteem and affection should not be disregarded, nor should principles which were interwoven with the best feelings of the heart be treated with bitter scorn. Let them banish all those invidious distinctions of party, by which Ireland had been so long degraded, impoverished, and debased. If they did this, there was every prospect that Ireland would, at length, after a series of efforts, some more, some perhaps less successful, attain a just share of power and prosperity. Let all prejudices be laid aside, both in Ireland and in England; and both nations would then mutually assist each other, and both nations, borrowing and receiving reciprocal counsel and strength would enter on a new career of wisdom, of happiness, and of power [loud cheers].

Sir John Newport said, that the hon. and learned gentleman had adopted a most extraordinary line of argument. While he called upon the people of England and Ireland to lay aside all prejudices, and while he lamented the ignorance which prevailed with respect to the state of Ireland, he proposed to leave them in that happy state of ignorance, by opposing a motion for inquiry. The hon. and learned gentleman called upon the legislature to abdicate its functions, and to leave it to the executive government to take up this question how they pleased, and when they pleased. Now, it was not because the present government had neglected the subject, but because it had been neglected by every government for a long series of years, that it was proper that the legislature should examine what was done, and point out those measures which were applicable to the state of Ireland, and those which were defective. That was the scope of his noble friend's proposition; while that of the right hon. secretary embraced only a small portion of the community, and referred merely to the administration of a single act of coercion—an act of renunciation of the benefits of the British constitution. Unless the House took up the question on the enlarged scale proposed by his noble friend, it was in vain to hope for any amelioration in the condition of the people of Ireland. Whenever it was proposed to inquire into the state of that country, they were constantly met by the objection, that the motion was either too large or too minute. When he saw mem-

bers of the cabinet opposed to each other, with respect to some of the fundamental points on which the tranquillity of Ireland depended, he felt that it was imperative on the legislature to inquire into the miserable state of the sister kingdom.

Mr. Stanley said, it was not his intention at that late hour, to make any extended observations on the main question before the House. He should merely express his entire concurrence in the motion which had concluded the able and statesman-like speech of his noble friend near him. If that motion needed any stronger support, it had obtained it in the statements which had been made in the eloquent speech which they had just heard from the other side of the House. The hon. and learned gentleman opposite (Mr. North) had drawn a most eloquent, melancholy, and, he feared, too true a picture of the state of Ireland. Deeply as he regretted the truth of that picture, he did not regret the force and eloquence with which it had been drawn, because, while he listened with the deepest attention to the speech of the hon. and learned gentleman, he felt at the time, that the hon. and learned gentleman was only proving the great and overwhelming necessity for a full and perfect inquiry. Amidst all the eloquence, however, of the hon. and learned gentleman, the only argument by which he had attempted to destroy his own arguments, was, that the subject was so extensive, that no inquiry of the House could reach it, and that therefore it would be better to leave Ireland to her own solitary and disregarded misery. But, if it was true, as the hon. member contended, that no benefit could be anticipated from such an inquiry as that proposed by the noble lord, upon what possible principle was it that the hon. member supported the amendment of the right hon. secretary which still proposed an inquiry, but of a character incomparably more limited? His own object, however, in rising at so late an hour was, not to discuss the general merits of the present subject, but merely to account for the vote which he had given—and given reluctantly—against a motion for inquiry into the state of the church establishment in Ireland on a former evening. He had not given that vote because he felt any disinclination to inquiry. On the contrary, he thought that one of the greatest afflictions under which Ireland laboured was the ignorance of those who legislated

for her of the real evils under which she was suffering; but he had voted against the motion of the hon. gentleman near him (Mr. Hume), because he objected to the narrow spirit which breathed throughout it. He objected decidedly to an inquiry which went only to ascertain how far the church revenues of Ireland were larger than a committee of the House might think they ought to be, and what portion of money might safely be taken away from them. His dislike was not to an inquiry into the church establishment of Ireland, but to the spirit in which the suggested inquiry had been proposed to be conducted. He had felt himself in the dilemma of being compelled to give up either a present advantage or a principle; but, in resigning the immediate benefit, he thought he had chosen the minor evil of the two. With respect to the present motion, he felt the greatest anxiety that the committee should be granted; and if it were acceded to, that it might have no prejudice but in favour of Ireland—no wish but to benefit that country—no object but the attainment of truth.

Sir John Sebright supported the original motion, and objected entirely to trusting the inquiry to the management of the executive government.

Sir Francis Burdett said, that, after the eloquent speeches of the noble lord and the hon. and learned gentleman opposite, and considering the various motives which were likely to operate on an occasion of so much importance as the present, he felt some surprise that the right hon. secretary opposite, who so often gave the House the benefit of his eloquence, should not have stated his views with respect to a subject of so much interest as the state of Ireland, and the evils which afflicted that unfortunate country. The speech which the House had just heard from the hon. and learned gentleman opposite (Mr. North) was unquestionably a very eloquent speech; but he thought he might venture to say without any want of fairness, and he hoped without any offence to the hon. and learned gentleman, that the eloquence of the speech was only equalled by its marvellous inconsistency. No doubt the speech was a very eloquent one, but it was a speech which no member could be called upon to answer. Indeed, he felt it necessary to apologise for trespassing at all on the patience of the House by making any observation with respect to a

speech which called for no answer—he cause it was a complete answer to itself. The hon. and learned gentleman excelled in antithesis, and certainly every opinion or statement which his speech contained, was almost uniformly followed by some antagonist opinion or statement which completely strangled its predecessor. The hon. and learned member had commenced with drawing a very melancholy and corresponding picture, and he (sir F. B.) trusted a very highly-coloured one of the disastrous state of Ireland, and he had accompanied that description with arguments, all going to show most forcibly, that the condition of that country cried out upon all England, and especially upon the English House of Commons, and still more especially upon her own representatives in the English House of Commons, to probe her situation to the very bottom, and to ascertain that which he feared was little known to those who prescribed for her—the real causes and extent of the evils with which she was overwhelmed: but at that point the hon. and learned member stopped, and suggested a course of proceeding which, on the English side of the water at least, would seem most extraordinary for the end proposed; for the way in which the hon. and learned member wished the House to probe this matter to the bottom, was by avoiding altogether to go into inquiry upon the subject. He (sir F. B.) agreed fully in the propriety of probing to the very bottom, the condition of Ireland at the present hour—a condition which it was a foul disgrace, not only to ministers, but to the House of Commons, that they had suffered to endure and continue so long: but, on what principle, after so completely proving the necessity of efficient measures, the hon. and learned member for Plympton Earle, could turn round and vote for that most inefficient measure, the amendment of the right hon. secretary for Ireland, he, for his own part, had no hope of ever being able to comprehend; for if any thing could be devised that was superlatively futile and inefficient, it was the amendment of the right hon. secretary. For what did it amount to? Why, merely to an inquiry how it had happened that the insurrection act—the only remedy ever tried upon Irish distress—had totally failed to produce the results which its contrivers had anticipated; with a sort of further intention (half developed) of following this inquiry of its failure up by renewing it;

and yet this measure, which was confessedly inefficient, even for the miserable purpose of producing that present submission which fools and tyrants thought fit to call peace and tranquillity, much less to bring about that lasting, steady quiet, which was the result of prosperous condition and content—this wretched, bald, and impotent piece of legislation, which was proved incompetent even to put down the common disorders which distress and despair drove the population of certain countries to the daily commission of—this frivolous, mischievous, and most ineffective attempt to remedy existing evils, the hon. and learned member, after all his expositions, was disposed to support and be contented with ! The hon. and learned member had described the state of the Catholic peasantry to be such, that they had nothing to fear, and nothing to hope. This was certainly a very strong, a very concise, and a very exact definition of despair. Yet, the hon. and learned member contended, with a consistency, not less astounding than his eloquence, that the grievances of this people ought not to be inquired into—and why ? Because, forsooth, they were of such magnitude that it was impossible for a committee of that House to embrace them. Their wrongs were so manifold, their grievances were so overwhelming, that, according to the logic of the hon. and learned member, they could not be the object of legislative redress, they could not afford a ground for parliamentary control. Why, that very statement by the hon. and learned member ought to be an argument unanswerable with the House for acceding to the proposal of the noble member for Northamptonshire. And the hon. and learned member had gone still further than this. He had told the House, towards the close of his speech, that these same miserable people, who were described as without room for hope or fear—who stood in a situation which whatever might be their faculties must deprive them necessarily of all courage and energy—he had told the House, that the very provisions which seemed calculated to crush these people had operated, up to a certain point, to their advantage; that their exertions had thereby received a stimulus: and that, at every point, they were in a state of improvement. Now, if this was true, not only was the fact a most gratifying one to be known to the House and to the country, but it also showed that the men who, under such cir-

cumstances, could arrive at advancement were ripe for the enjoyment of that emancipation which, on the pretence of their ignorance, had been so long withheld from them, and which he (sir F. B.), although he did not look upon it as a cure for all the ills with which Ireland was afflicted, took to be a great measure of moral policy, without which all other remedies both would prove, and ought to prove unsatisfactory.—The hon. and learned member had gone on with his happy facility at portraying every circumstance that occurred to him—he had gone on to portray the beauties and advantages of the Orange system in Ireland. The Orangemen, according to the hon. and learned gentleman, were not merely the exclusively loyal, but they were the most virtuous, the most benevolent and the most considerate beings in the country. And these persons, under whose government and guidance the evils which cursed Ireland had been growing up for centuries—these were the people into whose hands the hon. and learned gentleman was for delivering her grievances, to be examined into and got rid of ! And the thing did not stop here ; for the Catholics came in for their share of commendation as well as the Orangemen. So anxious was the hon. and learned member to do justice, that every party in its turn was praised ; and the only surprising thing was, how people endowed with such admirable feelings ever happened, by any accident, to fall out among themselves !—There was one point, however, on which the hon. and learned member for Plympton Earle agreed with him (sir F. Burdett) ; namely, in thinking that some relief might be given to Ireland by an extended system of colonization—a course which, in the end, would be found absolutely necessary, even to enable England to carry into operation any other measures of relief which she might contemplate. When he spoke, however, of colonization, he begged to be understood as by no means confounding that course with “emigration.” Emigration and colonization were things very different in their effect. Emigration was going on too fast in Ireland already. It was going on, because no man would stay in the country but such as were Orangemen, or men who had not power to quit it ; and persons who possessed industry, talent, and moderate capital, were carrying their means away from the curse of Orange ascen-

dancy to places where they could make use of them in quiet. It was no system like this—a system which beggared a country—that he meant to advocate; and, in fact, the course which he contemplated was one which no English government, as England now stood, would venture to look at: for, whatever might be said of the late spirited conduct of the House of Commons, he felt convinced, that, in the present state of the House and of the representation, no minister would dare to attempt a really vigorous measure, whether of peace or of war, of foreign commerce or domestic policy; and therefore colonization upon the extensive scale which he proposed—that was, the sending off a large proportion of the Irish population, with such securities afforded, and such views opened, as should make their change of home a blessing to themselves as well as to the country they left behind them—colonization, upon a scale like this, was what he never expected to see adopted. This fact, however, did not alter either his wish upon the subject, or his opinion of its expediency. The course would be attended with expense, he granted; but still it would be expense well bestowed; for, without getting rid of the superabundant population of Ireland, and taking measures to prevent its recurrence, nothing valuable could be effected towards an improvement of the condition of the country. Want and despair had ever been the parents of outrage, and ever would continue to be so. Unless the population was kept down to what a country could support, it was in vain to expect to preserve it in a state of peace or regularity. And here he agreed with the hon. baronet who had spoken second in the debate. The best government that ever existed could effect nothing permanently beneficial for a kingdom cut up into potatoe-gardens. There was destruction in such a system. Wherever land-owners practised it, misery and distress of every kind must be the inevitable consequence. In Ireland, however, there was a population which had been encouraged, and which was now to be got rid of; and he repeated, there was no course but by colonization. Gentlemen talked of employment for the people and of want of capital! If any thing like profitable means of employing it were found, did not the House think that there were people enough who would carry their capital to Ireland to-morrow? Why, it

would be impossible to keep capital out of Ireland, if there was any thing to be got by taking it there; and any measure to force it did harm, and not good. Any attempt at benevolent associations for purposes of trade did mischief. Commerce could not be carried on upon benevolent principles; and such institutions no more benefitted the community, than they did the individuals connected with them. It was a curious fact, that sir William Temple, in discussing the question, whether it was best that a new kingdom should be planted with every local advantage, or with no natural advantages at all, took Ireland as an illustration of the first case, and Holland as an example of the second. Sir William was decidedly of opinion, that the want of advantages was best, since it compelled to habits of exertion in the beginning, which led to wealth and greatness in the end; but after quoting the riches of Holland, standing upon a bog scarcely rescued from the sea, he said of Ireland—"Here the land is so rich, and the population so small, that a man who works for two days in the week, may live in comfort for the rest"—from which he concluded, that the Irish were careless and idle. Now, this was a strong illustration of the principle for which he (sir F. B.) was contending. The population it was, of Ireland now, that formed the ruin of the country. Clearly, in sir W. Temple's time, Ireland could not have possessed a quarter of the wealth that she possessed at the present day; but, from the thinness of her population, the people lived in ease and abundance. It was the principles on which the government of Ireland was administered, and the mode in which the land was divided, that caused the poverty and misery of that country. He agreed fully with the learned gentleman and with the hon. baronet, that unless some extensive measures were devised, no relief could be given to this state of poverty. But, was not the admission of such a state of things a proof that inquiry was needed? He would add, as an argument which should have some weight with the country gentlemen of England, that they hazarded their own estates by not inquiring into the condition of Ireland, and relieving it. The comfort and happiness of the English people, their old love of independence, their unexampled industry, their patience under sufferings, their great care and foresight, all could not save them from the compe-

tion of the Irish peasantry, who were fast degrading the English peasantry to their own state of poverty and misery. The gentlemen of England were now paying poor-rates on account of the poverty of Ireland. The mode of dividing property adopted by the gentlemen of Ireland it was, that generated the poor; and he did not know why those gentlemen should not pay the poor which they generated, and have their estates burthened to maintain them, as well as those of the English gentlemen. The country was a harvest of evils; and though the learned gentleman had found out that the church establishment of Ireland was as advantageous as a landed gentry, and a well endowed clergy as beneficial as resident gentlemen, he could never be brought to believe that tithes, which were paid unwillingly, were the same as the rent of an estate, in point of benefit to the country. But, the clergy were not even resident. He had himself met a bishop in Italy, who had lived there for several years, and who had a revenue from the Church of thirty thousand pounds a-year. Some gentlemen said, that the church establishment of Ireland was a benefit; others, that it was an evil. To ascertain this point was surely a proper motive why the House should enter into an inquiry. What the learned gentleman said of the increase of the Catholics, shewed that that church, though rich, had made no converts. The Protestant Church, though wealthy, was diminishing in the number of its adherents, while the Catholics, though poor, were adding, to their numbers. This shewed the difference between a poor and a rich church, and proved that wealth was not necessary to religion, nor to religious influence. If the propositions of the learned gentleman were carried into effect, and the Catholic clergy were once to receive stipends from the government, they would instantly lose their influence over the people, who were in that state of ignorance, that no art could persuade them they were not betrayed. He conceived this state of ignorance and dependance was a sufficient reason why some inquiry should be made into the moral condition of the peasantry. The existing system was pregnant with wretchedness to the one country, and was sure eventually to extend much of its baneful influence to the other. To persist in going on blindly, was a stretch of absurdity of which the

House could not, he trusted, be guilty; and the question was, could any period be more favourable for inquiry than the present. If, at a time like the present, when ministers seemed to have almost nothing wherewith to occupy their minds—when the country was in a state of perfect peace at home, and had nothing to apprehend from any quarter of the world abroad—if, under such circumstances, ministers could not find time to attend to the distresses of Ireland, Ireland might bid good night to relief altogether: for the evil could never be greater than it was, nor the remedy more loudly called for; nor could any opportunity ever occur more perfectly favourable for applying it. For these reasons, he should give his cordial support to the motion of the noble lord.

Mr. Secretary *Peel* said, that this was the second occasion within a short period, on which the hon. baronet had expressed his dissatisfaction at the silence observed by his majesty's ministers. The hon. baronet, however, should in justice remember, that, upon the point of speaking, he had greatly the advantage over those of whom he complained. Coming down, after a long absence from the House, with a keen appetite for debate, he ought to consider that the feast would naturally be less tempting to those who were presented with it night after night, and sometimes, indeed, *usque ad nauseam*. The right hon. secretary then proceeded to regret, that the forms of the House prevented his hon. and learned friend (Mr. North) from going over the numberless points in which the hon. baronet had mistaken him; and, in coming to the question before the House, he observed, that it seemed to him to lay within a very narrow compass. The subject for discussion, as he thought, was much less the general state of Ireland, than the comparative merits of the two courses which were proposed by his right hon. friend near him, and by the noble lord opposite. Each party proposed a select committee; and it would be well to examine the difference between their views. The noble lord wished to inquire into the state of Ireland generally; his right hon. friend to confine the inquiry to the nature and extent of the disturbances which existed in certain districts. There was no question therefore as to the inquiry; the only question was, as to its extent. Here was Ireland, then, great part of which was

subject only to the ordinary operation of the law; some part of it enjoying perfect tranquillity, other parts comparatively tranquil; and other parts in a state of the greatest possible disorder, kept down, and indeed scarcely kept down, by measures of great and unconstitutional severity. When his right hon. friend said, "I will take for the immediate object of this inquiry, the state of those parts of the country, in which the law is at present suspended," did he not take that which was the natural, and certainly the candid course? Did not those portions of Ireland call more urgently for present examination than the quiet parts? If his right hon. friend had selected any small district, and confined his views to it, then perhaps with reason, some objection might have been made; but, let the House only look at the extent of territory to which his right hon. friend's motion referred, embracing the counties of Clare, Cork, Limerick, Kerry, Kilkenny, Kildare, the King's County, and Tipperary. Would any man who knew the size and population, and importance of those counties, say, that they did not afford a fair specimen of Ireland generally? Much has been said of the indisposition of his majesty's government to bring the present question forward; but he denied that any measures had been proposed in which ministers had not been found ready to go hand in hand. The constant answer to complaints of the state of Ireland had been, "point out the object of inquiry and we are ready to discuss it with you." But, he was actually surprised to hear the abuse which had been lavished upon the amendment of his right hon. friend: for the very inquiry which his right hon. friend's amendment suggested, had been formally proposed to the House last session, by the hon. baronet who now seconded the original motion. He was really surprised the hon. baronet did not rise and defend his own proposition. His right hon. friend had given notice of his motion some days ago; and could not, therefore, mean by it, as some hon. members had insinuated, to get rid of the motion of the noble lord opposite, by a side-wind. But, what was more, this very motion was the result of a pledge which his right hon. friend had given last session, that if the Insurrection act were to be renewed, he would move for an inquiry into the state of that part of Ireland to which it was to be applied. His right hon. friend had

now redeemed his pledge, and thereby given the House an opportunity of inquiring into the state of that part of Ireland. If the notice did not include other parts of Ireland, what was included was quite enough to begin with; and parliament might afterwards extend its inquiries if it thought proper. If the House appointed a committee, it would repose confidence in that committee; and though the noble lord might prefer his own, he could not deny that advantages would result from the committee of his right hon. friend. It was desirous to have information on several points. For example, it would be desirable to have the relations of landlord and tenant fully explained, and the wages of labour examined into, and this was an important inquiry. If it should be proposed to make such inquiries, he would not oppose it. If the hon. baronet should propose, as a specific measure of inquiry, to ascertain the best means of augmenting the capital of Ireland, he would not oppose that; but he wished, before members called out for inquiry, that they would ascertain what inquiries had been already made, and read the reports which had resulted from inquiring. Had there been any indisposition, on the part of government, to improve the magistracy, to take steps for the prevention of illicit distillation, to correct the police, or to forward any object connected with the welfare of that country? On the contrary, they had shewn every disposition to remedy the existing defects.

Mr. Secretary *Canning* said, that as the noble lord had alluded to him so distinctly towards the conclusion of his speech, he might be charged with want of courtesy if he permitted the question to go to a division without saying a few words. The lateness of the hour would, however, be a guarantee to the House, that he would not trespass longer on its time than was absolutely necessary. The noble lord, in winding up the different topics which he proposed for the consideration of the committee, had alluded to one which he thought it of the utmost importance that the House should accede to. For his own part he could not take such a view of that great question as to think that it required to be submitted to a committee. No committee could put the House into more complete possession of the important principles upon which that question was to be decided, or throw any new light on the subject. His own opinions, with

respect to that question, remained the same as they had always been; but, when the noble lord called on him to vote for the present motion as a proof of his sincerity, he would deny, in the first place, that any proof of sincerity was required from him, as he had neither there nor elsewhere said or done any thing to bring that sincerity into doubt. In the second place, he denied that the noble lord had any right to demand any such pledge. He, for one, in the support which he had given the Catholics, had always taken care not to put himself in their hands. Whatever others who had advocated their cause might have chosen to do, he had always abstained from consulting them as to the propriety of advancing or refraining in the measures which he deemed necessary to their interests. His conduct might be considered right, or it might be considered wrong; but, in all his operations he had abstained—studiously, purposely, anxiously abstained—from being bound by their views and opinions, in the discharge of a duty which he considered not so much their affair as that of the public. He did not blame those who had acted in a different manner; but he had always felt, and still continued to feel, that he neither owed, nor would he ever pay to them, any account as to his conduct, whether he advanced or abstained from the pursuit of that object in which the Catholics were chiefly implicated. He knew not by what right the noble lord claimed of him that he should take this or that step, at this or that particular time. He was bound by no agreement with any one on the subject. He had received the support of many, but without conditions. He hastened, however, to translate into plain language the motion of the noble lord. The noble lord had said, that the government was divided upon the subject of the Catholic question; and he had stated this as a characteristic of the present government, as if it were something new in the construction of this government. He would tell the noble lord, that ever since the question had become a question, no government had been brought together which was not divided upon it. He did not say whether this was right or wrong—fortunate or unfortunate. It did so happen—the question came into the world, as it were, under this fatality—it had remained under it during all changes of administration since. Others might lament it, and then they would be

bound to take some steps towards producing an agreement. Not so with him. Be the opinion correct or otherwise, wise or unwise, it appeared to him, that the question—not to speak of actually carrying it—was never likely to be carried, under a government united upon that point, and at variance upon many others: nay, more, that the question had a better chance of being carried under a divided government, than under a government so united. Having always held that opinion—having always proclaimed it—the noble lord could have no right to call upon him to abandon it. The wisdom of the opinion might be called in question; but he could not now be called upon to change it. To be plain, what the noble lord meant was—that he was bound to proclaim to his colleagues in office, that the period was arrived, in which they must concur in one opinion, and that opinion must be his. The noble lord was of opinion, that the time was come; and, to induce him to act, he had held out a bait which must be always tempting to men of talent and spirit—the predominance of his own sentiments supported by the majority of that House. The noble lord had said many civil things of him, and of his situation in the government. But the noble lord must know, that he was not there by his own seeking, or from any choice or wish of his own. Had his own wishes been permitted to operate, in all probability he should have been at that time far away; and though it might have been better for himself, it could not have helped to advance the Catholic question. He believed that the noble lord calculated too much upon its progress. He believed that the question would ultimately make its way. He believed that the government was before the public with it, and that there was a strong and powerful feeling in the country against it. He believed that it could not be carried until the opinions of the country were more advanced in its favour. Any measure must prejudice it, which went to urge its consummation by force, against feeling. He believed that it would succeed; but success could only be hoped for, as argument and reason were enlarged; as jealousy and prejudice were done away. The noble lord said, that the question was a great question, upon which all able statesmen ought to agree. But was it the only question of that sort? Suppose he were to break with his present colleagues, and accept

the co-operation and support of his new suitors—was he sure that there was not another wife or mistress as dear to them, and that he might not have the very same question of discrepancy in opinions to struggle with? For instance, there was the great question of parliamentary reform, to which they were as strongly pledged as to the question of Catholic emancipation. [Murmurs of discontent from the Opposition]. Were they, or were they not, pledged to parliamentary reform? The country at least believed so. It was generally understood, that they were bound not to accept office without the condition of effecting parliamentary reform. [Cheers, mingled with cries of "No.]" Whether it were so or not, altered not his argument. With what face did they charge the ministry with discrepancy of opinion upon the Catholic question, when they themselves stood pledged to a question of infinitely graver importance—a question which went to the very foundations of the constitution? He defied them to show that there could be any better agreement between him and them, or between themselves one with another, than that which existed between him and his present colleagues upon the former question. Why, then, there were two great questions, each of national importance. Those who were prepared to agree upon both might be in a suitable condition to stand together in the same government. Unfortunately for him, while he advocated the one, he considered the other as anomalous and revolting. He could be in no condition to accept the co-operation of the gentlemen opposite. Their banners might be mingled for a time, but soon they must stand on adverse sides. He hoped he had satisfied the House—it would be presumptuous in him to suppose that he had satisfied the noble lord. He challenged the detection of any inconsistency in his opinions, the wisdom of which might be questioned, but not the sincerity. He could not agree with the noble lord, that it was a question which ought to be carried by the mere influence of the executive. If, however, the noble lord chose to find fault with him for not now bringing it forward, let him recollect what had been the fate of the measure proposed last year by his right hon. friend, the attorney-general for Ireland. All those splendid talents and efforts which were offered to the highest bidder, because they

were not bought up at a certain price, were withdrawn from him suddenly. The owners took up their hats and retired, because the question was not supported by the whole force of the government. He did not blame them for what they had done. But what encouragement did it leave to him or to any other individual, to renew the labour? If the question had gone into abeyance, the fault lay with those individuals who first turned it to a partial purpose. It was likely to be carried with the least shock to public feeling under a divided government. The moment it was turned into a party question, and used as an instrument for displacing antagonists, that moment the chances of its success sunk a hundred-fold. He could not say whether there was any mode left of restoring it to its former situation; and he was reduced at present to the mere hope that it would be so restored. As to the motion, however, it was agreed that the committee was no fit place for the discussion of that question. It remained, then, to be considered, which, of all the several topics connected with Ireland, was likely to be benefitted by that mode of inquiry. He expressed his approbation of the use of parliamentary debate and discussion, and of trusting to them rather than to the mere strength of the executive government. He expected much from these instruments in working upon the mind of Ireland. With respect to associations of Orangemen or Ribandmen, or those Catholic associations which he considered more anomalous than either, he was of opinion, with his hon. friend near him, that nothing was more to be avoided in such cases, than too precipitate an exertion of the powers of the executive, or too busy an application of those of parliament. There was a great difficulty in dealing with institutions, even though run to dangerous folly and abuse, which had grown up out of the freedom of action. The chief duty of government in such cases was, not to interfere unless it was seen that the evils had become intolerable, and promised no change of diminution for the future. The great point of discrimination was between the limits which showed where the duty of passiveness ended, and where that of interference began. As to other points of the noble lord's speech, he had been anticipated in any reply to them, and especially on the subject of tithes. The noble

lord had also called for a revision of the church establishment of Ireland; but the question whether the wealth of the church ought to be abridged, had been decided a few nights since, in such a way as to deprive the noble lord of the benefit of any argument upon that point. The hon. baronet (sir F. Burdett) had contended, that nothing could be more different than tithes and rent! but he, and those who had cheered him, seemed to forget, that a large portion of the clergy was paid in rent, and that a great part of the tithes belonged to the laity. They contended, that church property and other property did not stand on the same footing, because church property depended on duty to be performed. How did this operate upon lay tithes? The hon. baronet and his friends said, that the clergy ought to give up their property, because they did nothing, but that the laity should keep theirs, and why?—was it because for those tithes the laity discharged so many and such important duties? But the safest way was, not to meddle with property at all. He would not lay down the broad proposition, that in no possible case could the state meddle with the endowments of the church; but he would lay it down thus broadly, that he could not imagine a case—and undoubtedly would never create or encourage it—in which that question should be mooted. At present it was far safer to stand where we were, than to resort to such a precedent as Henry the 8th had set, who had himself justified his conduct on the score of precedent. He did not say that meddling with one species of property would inevitably bring on the ruin of another, but when it was recollected, that one third of the tithes of the kingdom were in lay hands, the House would do well to pause and ponder. The noble lord had been sufficiently answered on the topic of grand-jury presentments; what he had advanced regarding sheriffs, had also received a complete reply; as well as the arguments on the review of the magistracy. As to the amendment of his right hon. friend, although it came after the proposition of the noble lord, it ought to be considered in the light of an original motion. It was, in fact, the redemption of a pledge given last year, that inquiry should precede any proposed renewal of the Insurrection act: accident only had thrown the two together, and the amendment at least proved, that the government

was not disposed to conceal any thing of the real state of Ireland, and had not the slightest objection that the inquiry should be conducted in the fairest and most open manner.

Mr. Tierney apologized for detaining the House for a short time, being induced thereto by a few remarks of the right hon. gentleman, which touched him almost personally. With respect to the motion on Catholic emancipation, in the session of last year, he had said then, and he said now, that as the right hon. gentleman was nearly sure of a majority in this House, and as sure of the measure being in the minority in the House of Lords, although, for other purposes, the right hon. gentleman was prepared with as full a majority in one House as the other, he did consider the bringing forward that measure as little better than a mockery; yet, because he had always supported the question, he would not then withdraw from it, and for the sake of appearances only, he had given it the support of his vote. The right hon. gentleman has assumed, that it was impossible for him to have acquired for that question the support of government. He would ask the right hon. gentleman—did he ever try? [Hear.] Let not the House receive so easily the insinuation, that his noble friend had offered him the co-operation of his party if he would undertake to carry it. His noble friend had not done any such thing, nor would he, because, in fact, he had no such power. All that his noble friend addressing the right hon. gentleman, had said, amounted to something like this, “You are a fortunate man: you have risen to a situation in the government which, perhaps, you never expected to reach; your conduct in the course of this and the last session has made you many friends, go on and prosper; all you have to do is to hold to the principles which you have professed: don’t forget your principles, and you may depend upon the support of parliament.” All that was asked of the right hon. gentleman was, that he would try what he could do for the question. He might answer, that he had no hope of doing any thing without the help of the opposition. That was not his (Mr. T’s) proposition. He referred to what the right hon. gentleman might have done of himself. Did he suppose that he was stopped from his emigration out of any strong respect or affection for him? Was he not aware, that there was one member in the cabinet—and that not

an inconsiderable one—who thought that there was very little to choose between the right hon. gentleman and the Pope? [laughter and cheers.] Could the right hon. gentleman doubt, in short, that the Catholic question would have been carried, if he had only chosen to make it a condition of joining the cabinet, he did not say to insist upon its being immediately, but gradually carried—when he saw the anxiety of some of the members of that cabinet to continue in office, no matter in what company? He hoped he had cleared himself of any imputation or suspicion of having dealt unfairly as to that question. There was another point to which he must reply. The right hon. gentleman was continually entrapping the House into a belief, that he and his hon. friends were anxious to join the right hon. gentleman in office. For his own part, he was not conscious of any such wish. No one was more disposed to do justice to the talents and conduct of the right hon. gentleman than himself: but it was a hard return, not to say an impolitic one, to hold him and his friends up to the country, as persons altogether unfit companions for him. The support they had already given had been pretty considerable; and the right hon. gentleman was sure of receiving it as long as he continued to pursue his present course. “But,” said the right hon. gentleman “you are pledged to the support of parliamentary reform if you come in.” They were anxious for the success of parliamentary reform. But he was bound to no pledge upon the subject; and if he took office to-morrow morning, no one could reproach him with inconsistency, in neglecting to make stipulations in its favour. To the question of parliamentary reform he was seriously and earnestly inclined, because he thought it necessary for the security of the constitution. But, a bond of party it never could be. Indeed, how should it be? Some of his friends were agreed upon it, others were opposed to it? and, among those who concurred, there were a thousand shades of opinion as to the specific degree of reform. Not so with the other question, which could have but one meaning. Broad Catholic emancipation was all that the right hon. gentleman had to lay down. He had accepted office without stipulating that it should be carried; though he knew that it ought to be carried, and that it never could be carried, because there was one in the cabinet, who was the most powerful part of the cabinet,

opposed to it. All that he and his friends wanted was, to make the right hon. gentleman the most powerful part of the cabinet, on condition that he would uphold the principles which he had avowed. The right hon. gentleman, then, ought not to represent them as an unworthy set, with whom he cautiously sought to remain at a distance. He might depend upon it, unless he went on in a manner something different from that which he seemed disposed to adopt, he would not come down to the House so triumphantly in another session. The country at present gave him credit for consistency. There was a phrase, however, which was expressive, though homely. It was called “playing fast and loose.” He would like to know more exactly what the right hon. gentleman proposed to do as to Catholic emancipation. Suppose it were carried here, it would, in all probability, be rejected by the other House. Did the right hon. gentleman doubt that such would be the case? Placed behind so good a leader as the archbishop of Canterbury, a place-man would naturally think he was safe in all questions respecting church matters. How must it be then, when he saw the archbishop of York, and seven other bishops, enlisted on the same side? And if at the head of this body the prime minister were seen, what would be said then? Why this, “the advocates of emancipation have tried their utmost, and only see what a miserable minority they are in?” He appealed for the probability of this to the fate of two bills which had been lately introduced—one of which went no further than to put the English Catholics on the same footing with the Irish. It was carried almost unanimously in this House; but when it was sent up, he ought to say down, to the lords, it was rejected by a large majority. And all this confusion might, perhaps, be traced to the sentiments of one man in that House, and the future views of interested politicians with respect to him [loud cheers]. All that they had asked, then, of the right hon. gentleman was, that he would take that course which was likely to lead him to fame and honour—that he would be steadfast in the pursuit of those principles to which he was able to give life and energy—and that he would stand out for the adoption of those measures upon which the security of the empire so much depended. They asked for no junction—they wished for

none. They only wanted him to proceed as he had begun, and promised him their support. They made no conditions with him for parliamentary reform. Upon that subject he was right welcome to his present notions. If he chose, he might make all his old speeches over again, they would occasionally answer his arguments; but they would never ask him to give up his admiration for old Sarum and the other rotten boroughs. Let him not labour at misconceptions, but take matters as they stood. If he would pursue the course most glorious to himself, they were there ready with their support for him; if he refused, they could not help it. [Continued laughter and cheers.]

Mr. Canning explained. He had not insisted on the fact, that the opposition were pledged to parliamentary reform. But, whether it were so or no, it was impossible for him to find a united government, had he joined them; since they must have been divided, either among themselves, or with respect to him, upon the question of reform in parliament.

Sir F. Blake explained, that the ministry was composed of individuals of discordant opinions. If he were asked, what he would do with the present administration, he would say, "Do away with them." The liberal part of the cabinet were clogged in their movements by the drag-chain of their unwilling companions. The ultras in the cabinet would, he feared, never become liberal. The motion should have his cordial support.

The House divided: for lord Althorp's motion, 136; for Mr. Goulburn's amendment, 184: Majority 48.

List of the Minority.

Abercromby, hon. J.	Calvert, N.
Barnard, visc.	Carew, C. S.
Barret, S. M.	Carter, John
Beaumont, T. W.	Caulfield, hon. H.
Becher, W. W.	Cavendish, C. C.
Belgrave, visc.	Chamberlayne, W.
Benett, John	Chaloner, R.
Benyon, B.	Clifton, visc.
Bernal, R.	Coke, T. W.
Birch, J.	Colborne, N. W. R.
Blake, sir F.	Craddock, S.
Brougham, H.	Creevey, T.
Browne, Dom.	Crompton, S.
Burdett, sir F.	Davies, T. H.
Buxton, T. F.	Denison, W. J.
Byng, G.	Denman, T.
Calcraft, J.	Duncannon, visc.
Calcraft, J. H.	Dundas, hon. T.
Calvert, C.	Evans, W.

Farrand, R.	Ramsbottom, J.
Fergusson, sir R.	Rickford, W.
Fitzgerald, rt. hon. M.	Rice, T. S.
Fitzroy, lord J.	Ridley, sir M. W.
Foley, J. H. H.	Robarts, A. W.
French, A.	Robarts, G. J.
Gaskill, B.	Robinson, sir G.
Gordon, R.	Rowley, sir W.
Grattan, J.	Rumbold, C. E.
Grosvenor, hon. R.	Russell, lord J.
Guise, sir B. W.	Russell, R. G.
Haldimand, W.	Russell, lord G. W.
Hamilton, lord A.	Robertson, A.
Heathcote, G. J.	Scarlett, J.
Heron, sir R.	Scott, J.
Hill, lord A.	Sebright, sir J.
Hobhouse, J. C.	Sefton, earl
Honywood, W. P.	Smith, John
Hornby, E.	Smith, George
Hughes, W. L.	Smith, hon. R.
Hume, J.	Smith, W.
Hutchinson, hon. C. H.	Stanley, hon. E. C.
James, W.	Stanley, lord
Jervoise, G. P.	Stewart, W. (Tyrone)
Johnson, W. A.	Stuart, lord P. J.
Knight, R.	Talbot, R. W.
Lamb, hon. G.	Taylor, M. A.
Lambton, J. G.	Tierney, rt. hon. G.
Langston, J. H.	Wall, C. B.
Leycester, R.	Warre, J. A.
Maberly, J.	Webb, E.
Maberly, W. L.	Wharton, J.
Macdonald, J.	Whitbread, S. C.
Mackintosh, sir J.	White, S.
Mahon, hon. S.	White, col.
Marjoribanks, S.	Whitmore, W. W.
Martin, Jas.	Williams, J.
Millbank, M.	Williams, W.
Milton, visc.	Wilson, sir R.
Monck, J. B.	Winnington, sir T.
Moore, P.	Wood, M.
Newport, rt. hon. sir J.	Wyvil, M.
Normanby, visc.	Wrottesley, sir J.
Nugent, lord.	TELLERS.
O'Callaghan, J.	Parnell, sir H.
Ord, W.	Althorp, viscount.
Osborne, lord F. G.	PAIRED OFF.
Palmer, C. F.	Ellice, Ed.
Pares, T.	Ellis, hon. G. A.
Pelham, J. C.	Sykes, D.
Power, R.	Williams, sir R.
Powlett, hon. W.	Portman, J. B.
Poynter, W. S.	Lloyd, J. M.
Pryse, P.	Western, C. C.

HOUSE OF COMMONS.

Wednesday, May 12.

SEPARATISTS.] Mr. Brougham presented a petition from the Separatists of Sligo, praying for such an alteration in the law as would enable them to enjoy those privileges which were within the reach of their fellow-subjects, without taking those oaths which they conscien-

tiously believed it to be criminal in them to take. Whatever difference of opinion might exist as to their tenets; all must join in admiring their sacrifice of wealth to their honest and conscientious scruples. Those religious scruples were founded on certain passages in the Scriptures, which induced them to believe that they had no more right to take an oath for the purpose of filling office, or to enable them to give evidence in a court of justice, than they had to commit murder, theft, or any other act forbidden by the Decalogue. They chiefly rested on a sublime passage in the New Testament, which positively forbade the taking of oaths. It might be said, that if the relief prayed for were granted to those persons, they must, as a matter of justice, extend similar relief to the scruples of all other sects. It was, however, already conceded to the Quakers and Moravians. They might, in civil, though not in criminal cases, give their evidence without the sanction of an oath. Relief had also been extended to the Seceders in Ireland.

The Hon. *G. A. Ellis* observed, that the character, the sacrifices, and the sufferings of the petitioners entitled them to the relief which they sought, and which, he trusted, they would speedily obtain.

Mr. *L. Forster* said, that the learned gentleman could not render those individuals a greater service, than by turning in his mind how it was possible to carry that which they requested into effect. The difficulty arose from those people having no distinguishing tenet, except this scruple of taking an oath. In the case of a Jew, a Mahometan or a Hindoo, the religious forms of the party were known, and, under the sanction of those forms, he might give evidence. But, in the absence of form, with respect to the Separatist, it was difficult to devise what course could be pursued.

Mr. *V. Fitzgerald* thought the difficulty could easily be got rid of. It would be only necessary to enact, that, upon the Separatist's proving, by proper witnesses, that he belonged to that sect, he should be permitted to make his affirmation.

Mr. *Lockhart* supported the petition. Looking to the conduct of the Quakers, he saw no reason to apprehend any danger from relieving such men as the petitioners from taking oaths.

Mr. *Wynn* was well inclined to diminish the number of unnecessary oaths, but

would be very chary of dispensing with their sanction in a court of justice.

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, May 13.

SUPERANNUATION FUND—PETITION AGAINST.] Mr. *S. Wortley* presented a petition from the Clerks in the civil departments of government, complaining, that against the fair principles of justice, and the conditions under which they were admitted to serve the public, and against the provisions of an act of 1810, they were taxed to the amount of 5 per cent upon their salaries, for contributions towards the Superannuated Fund. The hon. gentleman supported the petition, and declared the sense which he entertained of the injustice and impolicy of the act of 1822, under which this unequal tax was levied.

Mr. *Calcraft* said, he took no blame to himself, as he had done all that he could to prevent the House from adopting the measure. He hoped that government would lose no time in taking off so oppressive a burthen from the shoulders of those who were so little able to bear it.

Mr. Secretary *Canning* said, he had never approved of the measure. It was unjust, because it was a particular tax upon particular persons, with whose emoluments government could have no more right to tamper than with those of the army and navy, or any other class of persons. It was also unwise, because it operated to the changing of the tenure upon which the persons so taxed had been accustomed to serve. It went to give them a greater claim to retired allowances, than should ever be allowed to the subordinate clerks of the departments. Now, however, the mischief was done; and he was not prepared to say that he could devise any feasible measure for a substitute; though it would be very agreeable to him to hear that his right hon. friend was prepared with one.

The *Chancellor of the Exchequer* said, that undoubtedly, it seemed a hardship to control the emoluments of those who were ill enough paid already, considering their merits and services; but, the House must look at the situation in which the question stood. In former times, the pay of the officers arose from fees, much more than from salaries. Those fees were very lucrative, and enabled the holders, by gra-

qual promotion to the highest station in each office, to provide for their own retirement on the approach of age and infirmity. There were also minor sinecures at the disposal of government, with which long and useful service was frequently rewarded. Gradually both fees and sinecures were so reduced, that government had not sufficient means for that purpose. The practice then altered to the granting of retired allowances; which certainly did grow to a bulk which justified the interference of parliament. Government being thus reproached, had recourse to the act of 1810, by which it was certainly not intended to convey a prescriptive right to retired allowance. But then each department was left at liberty to settle the retired allowances of its servants, and a new grievance sprung out of this power, especially in the Customs and Excise, which again provoked the attention of parliament, and the enactment of which this petition complained was the result of the whole. It was not exactly the sort of hardship which had been described. The payers had their quid pro quo, in the claim to retirement; and as to the exclusive nature of it, there was a regulation of the very same sort which required contributions from the navy to the chest at Greenwich.

Mr. *F. Buxton* said, it seemed very hard, after the reductions which had been made, that those regulations should be continued, by which the clerks were expected to continue their respective services for double the period formerly required, and that all the recompense they received in the way of superannuation allowance, should be from money which they had paid out of their own pockets. He had no connexion whatever with the petitioners, of whom he knew but three, and those only by sight. He trusted that their case would receive the consideration of the government, and that they would be restored to the footing on which they before stood, in 1818.

Mr. Secretary *Peel* bore testimony to the ability, integrity, and fidelity of the persons spoken of. At the period of his coming into office as secretary of state, he found that the measure, against the effect of which the present petition was directed, had been agreed upon. He saw that it was intended to operate universally, and he could not, therefore, claim an exemption in favour of those who were to be employed under him. The House

would recollect, that it was alone responsible for this measure; which was forced upon the government, and to which they could not object, as it contained a proposition to lower their own salaries.

Mr. *Grenfell* said, that the sentiments of the right hon. secretary had his warm concurrence. He had long been of opinion, that the government officers, from the highest to the lowest, were very inadequately paid.

Mr. *Watson Taylor* hoped, that the former decision of the House would not be suffered to prejudice the claims of the petitioners; but that justice would be done to a very deserving class of persons, who had endured considerable privation by the measure.

Mr. *H. Sumner* said, the regulation had been adopted at a period when a very loud cry had been raised for universal retrenchment. In this and in other instances he thought it had been listened to unwisely and unjustly.

Mr. *Hume* said, that the ground upon which the measure had been adopted, was the great increase which had been found in the superannuation list, and the amount of the expense which it brought upon the country. When the measure had been proposed, the late lord Londonderry objected to the clerks in public offices being left without any provision after age should have incapacitated them for further service. Upon that occasion, the House agreed that some provision ought to be made for them, and the regulations alluded to were adopted in consequence. He (Mr. H.) had himself proposed the 14th clause, by which it was provided, that in case of the death of any of these officers before he should be entitled to, or have enjoyed, the superannuated fund, the whole sums that he might have paid should be considered as his personal property, and handed over to his representatives. The superannuation system, therefore, was in the nature of a tontine, and was in no case a benefit to the public, but to the persons by whose contributions it was kept up. He thought the House ought not to suffer itself to be run away with by any fancied liberality, and should be cautious in undoing what had been done on very due deliberation.

Mr. *Huskisson* would not have risen, but for the remark made by the hon. member for Aberdeen, respecting the increase in the superannuation list. That such an increase had taken place at the period to

which he alluded, was very true; but nothing could be more easy than to explain the cause by which it was produced. Under the former system which prevailed with respect to government offices, large fees were permitted to be received, and there was a considerable number of small sinecure offices which were at the disposal of those who had the direction of the various departments. These two sources furnished a provision for the clerks, when they were no longer competent to the discharge of their duties. Parliament, however, thought fit to abolish the fees and the offices to which he alluded; but no substitute was then provided for the aged clerks. Those who had the direction of them had the painful alternative of either seeing the public duty ill-performed, or of dismissing those who had once been highly serviceable, without the means of existence at an advanced time of life. It was necessary that they should be removed, and he asked if common humanity did not demand, that some provision should be made for such persons? This would account for the rapid increase of the superannuation list soon after the system was established; and the rapid mortality which followed it was the best proof he could give, that the persons admitted deserved the aid which was afforded them by it. Before it was imputed to the government of that day, that they had been lavish or wasteful in distributing this fund, it should be known, that the average number of years that the persons on the superannuated list had served the public was twenty-nine; and the average stipend was 94*l.* per annum. He would ask, whether this was a wasteful distribution of the public money? The total amount was a large one, but it had grown out of the circumstances he had explained to the House. Whatever the House might choose to do, he was sure that no persons could be more gratified than himself and his colleagues, if any further reward should be given to the services of those persons, whose merits and fidelity they had a daily opportunity of witnessing.

Sir T. Acland hoped, that the hon. member for Yorkshire would be encouraged by the favourable reception of the petition, to bring the subject again before the House.

Sir T. Baring trusted that the prayer of the petition would be agreed to; as he thought that the officers of the Crown were not sufficiently paid.

Mr. T. Wilson said, he would take his share of the odium which attached to the measure complained of, because he thought at the time it was carried, that the interests of the country required retrenchment in every practicable shape. He should now be no less willing to give the alteration suggested his fullest support, if it should appear expedient.

Mr. Sykes said, that two years only had elapsed since the House was pursuing a rapid race of retrenchment and economy; and he begged to ask what reason had been given, why they should pursue a contrary extreme? He trusted that the subject would be fully discussed before any alteration was determined on.

Mr. James said, that when the ministers had taken off all the assessed taxes, he should be glad to concur in the proposal to reward more amply the public officers. Until then, the intended liberality would be ill-timed.

Mr. S. Wortley intimated, that he should probably, at an early opportunity, introduce the subject in another form.

SUGAR BOUNTIES.] Mr. W. Whitmore rose to bring under the consideration of the House, the subject of which he had given notice: namely, the Drawbacks, or Bounties, which were paid on the exportation of Sugar. His object was, to procure the appointment of a select committee, to consider the question; and he trusted that he should make it appear to the House, that such a measure was called for by peculiar circumstances. It would be necessary for him, at the outset, to show how the affair stood. In the first place, the West-India interest possessed a monopoly of sugar in the English market against all other countries in which sugar was produced, with the exception of the East Indies. But the sugar which was imported from the East Indies paid a duty of 10*s.* more than that which was imported from the British West-Indies. The sugar imported from the West-Indies paid a duty of 27*s.* per cwt. when the price was under 47*s.*, and of 30*s.* when the price was above 47*s.*; therefore, the sum which constituted the difference between the high and low duty was only 3*s.*, which he considered too little. It happened that when sugar was exported to the continent, it received a drawback, not commensurate with, but greater than the duty which it had on importation, to the extent of 3*s.* A bounty of 3*s.* was there-

fore given on exported sugar. This fact could not be denied; but that was not the whole of the question. The sugar which was exported was in a refined state, and received a further drawback. In the process of refining, a considerable quantity of molasses was necessarily abstracted from the sugar, and the weight was therefore diminished. For instance, 112lb. of sugar yielded only 56lb. of refined sugar, when prepared for the home market. But he was informed, that when the sugar was intended for exportation, it was not sufficiently refined; but a considerable quantity of molasses was left unextracted from it. The consequence was, that instead of 112lb. of raw sugar yielding only 56lb. of refined sugar, that quantity generally produced from 60lb. to 65lb. The price of molasses in the market was from 25s. to 30s.; therefore there was an enormous profit on the exported sugar, which, as he had shown, contained several pounds of molasses which ought to have been extracted. After reaching the continent, the sugar underwent another process of refinement, to fit it for the market there. It would be a material point for the committee to consider the effect produced upon the home market by the continuance of the bounties. The consumption of sugar in Great Britain, in 1823, was 1,130,000 cwt. The excess which was exported was 560,000, upon which the public paid a bounty of 168,000*l*. The principle of abolishing bounties had been adopted recently with regard to Ireland and Scotland; and he had yet to learn either the justice or the policy of continuing them upon the exportation of sugar. He was aware that he should be told of the distressed state of the West-India interest. He acknowledged the existence of that distress; but he felt that it was his duty, as a member of parliament, to endeavour to point out the causes which produced that result, in order that it might be ultimately removed. In considering this part of the question, it was necessary to ascertain, whether the distress which existed in the West-Indies was of a temporary or of a permanent nature—whether it was likely that it could be removed by palliatives, or whether it had its root in the system itself upon which the West-Indies were conducted, and whether it would not be necessary to change that system altogether, before any good could be effected. He would read to the House a few statements, which would prove that the distress in

which the West-India interest was at present involved was not of a novel but of a permanent nature. In 1792, Mr. Bryan Edwards had said, "The great mass of planters are men of oppressed fortune, consigned by debt to unremitting drudgery in the colonies, with a hope, which eternally mocks their grasp, of happier days, and a release from their embarrassments." In 1785, Mr. Tobin declared, that for "one planter that lives at his ease in Great Britain, there are fifty toiling under a load of debt in the colonies." A report of a committee of the House of Assembly at Jamaica, in 1792, contained the following passage:—"In the course of 20 years, 177 estates in Jamaica have been sold for the payment of debts; 55 estates have been thrown up; 92 are still in the hands of creditors; and 80,021 executions, amounting to 22,563,786*l*. sterling, have been lodged in the provost's office." Another report, made in 1804, after describing a state of great distress, states, that "a faithful detail would have the appearance of a frightful caricature." Again, in 1807, another report contained the following passage:—"The sugar estates lately thrown up, brought to sale, and now in the court of Chancery in this island and in England, amount to about one-fourth of the whole number in the colony." Similar facts were stated in a report which was made in 1811. All these testimonies proved, that with regard to the West-Indies, distress was the rule, and prosperity the exception. Experience had proved, that in every age, and in every part of the world, such a state of things inevitably produced the depopulation of the country in which it existed. The reason why such a result had not occurred with respect to the West-India colonies was this—that they were possessed by a country abounding in riches and capital, a portion of which had been continually pouring into them. The state of the West-India colonies was more deplorable than that of the most wretched and inhospitable parts of the world. Even in Lapland, prosperity was the rule, and distress the exception; the reverse was unfortunately the case in the West-India colonies.—These were the grounds which had induced him to look into the question in the manner he had done, and he should now proceed to state the causes from which, as it appeared to him, principally arose the distress of this branch of trade. These were—the absence of the proprietors of the estates, mortgages, consignments to

mortgagees, and the expense in the system of management, in consequence of having the estates in the hands of overseers, instead of being in the hands of the proprietors themselves. These were all, in their different respects, materially important, but still only subservient to that great cause upon which all the rest depended. He would not disguise from the House his sincere opinion, that this main cause of distress and misery was the system of slave-labour. He was well aware of the difficulties which any man had to encounter who touched upon this subject, and how difficult a thing it was, to obtain a favourable hearing; but, however unfavourable he might be received, he must discharge what he felt to be his duty, and without meaning to enter at very great length, endeavour to place, by a few facts, the opinion he entertained in an obvious point of view. He had already stated, that the principle distress arose from the principle of slave-labour. That slave-labour was always of necessity more costly than free, was not stated now for the first time: it had been invariably recognized as true, by all who had examined the subject, unbiased by the influence of interest; and he should endeavour to shew the similarity which our colonies bore in this respect to different countries at different periods, with a view to prove that the statement was correct. The greater expense of slave-labour proceeded upon this principle—there must be some inducement to make men work; labour was not natural; there must be either some feeling of interest, or some principle of coercion. Now then, which will, interest or coercion, produce the greater quantity of labour? When a man works, influenced by a feeling of interest, he endeavours to accumulate a fund to provide for the wants of old age and infancy, and which he superintends with care and diligence: but, in the other case, it is far different; for when a fund is left at the disposal of managers, it is generally regulated without any attention to economy.

This was the general principle; and having shewn the view he took of the subject, he did not feel it necessary to go further into this part of the subject, but he should endeavour to illustrate his principle by example. Now, let any man who was at all acquainted with the nature of agricultural labour employ a man to work by the job, the day, or by compulsion. Do we not know, that with the

first, the man works with all his zeal and power and energy; that in the second, his exertions will be smaller; but that in the third, his labour, as compared with the other two cases, will not only be very deficient in quantity, but in quality? The subject was so abundant in instances, and they presented themselves from so many quarters, that his embarrassment consisted, not in the scarcity of examples but the difficulty of making a selection. Now, he would first refer to ancient Italy; and there he found that the writers on rural economy traced the decline in the prosperity of the country to the system of slave-labour. The same thing was to be remarked in the United States of America. In the northern parts of that extensive country, labour was free, whilst in the south it was done by a slave population; and it had been remarked, that the moment you pass the boundary by which the country was so distinguished, the difference became immediately perceptible. In the north the farms were small, the farm-houses comfortable, and a general air of comfort seemed to prevail: the lands appeared to be in a state of fertility, and were managed with every attention to economy. But when you crossed the boundary, you found a state of things exactly the reverse: labour itself sickened and drooped under the influence of slavery [hear, hear!]. The slave-owners, it was true, lived in a state of magnificence, but then they were surrounded by the miserable hovels of the unfortunate slaves, who cultivated the soil under their direction. It was also a matter of considerable importance, as affecting the value of land. For instance, in Virginia and Pennsylvania. In Pennsylvania, where labour was free, the value of land was one-third higher than in Virginia. In Maryland, in the lower part of which slave-labour was carried on, the distinction was still greater.

To follow this up with all the instances he could adduce, would occupy too much of the time of the House; but, before he quitted this part of the subject, he begged to call the attention of the House to one particular instance, which was, in his judgment, entitled to the fullest consideration. The case had been alluded to before in that House, and nothing, as it appeared to him, could be so conclusive. He meant the case of the hon. Josias Steele, of Barbadoes. This gentleman's estate yielded him a very small return upon which he lived in England: finding

himself embarrassed; he went over to the colony, with a view to ascertain whether there was any thing in the system which tended to produce the distress in which he found himself involved. Being a gentleman of a comprehensive mind, and not likely to be affected by the prejudices necessarily springing out of a state of slavery, he turned his attention to the system. He had a property of 1,060 acres and 288 slaves, amongst whom, in the space of three years, there were 15 births, and 57 deaths. Immediately on his arrival he proceeded to take measures for the amelioration of his slaves. He introduced a system of having negroes tried by negro courts, and abolished whipping; and the consequence of these wise changes was, that in the space of four years and three months from the introduction of the new system, the number of births was 44, the deaths 41, and, with respect to the improvement of his estate, the nett amount of his profit was increased more than treble. So that here we find the consequence of this judicious course of policy was, an increase of births, a decrease of deaths, and an augmentation of property [hear, hear!].

Under circumstances of freedom, if property be secure, the effect must be, to accumulate the national wealth, and promote the national prosperity. Look to that interesting colony on the shores of Africa, Sierra Leone; and he alluded to it particularly, because its internal constitution was the same as that of our West-India colonies; and he was sure that any one who examined its condition would discover a degree of comfort, a rapid progress of wealth and civilization, and of that moral wealth which distinguished man, such as was not surpassed in any other country in the world. He would beg to turn the attention of the House to the amount of duties which were annually received there. He had a return from 1812 to 1823, but he should not trouble the House with going through the entire. However, he found that the produce of the duties amounted in the year 1812 to 1,922*l.*; in 1813 to 1,538*l.*; in 1820 to 6,153*l.*; in 1821 to 6,314*l.*; in 1822 to 4,764*l.*; but in 1823 the duties amounted in three quarters to 6,939*l.*; and if the other quarter was in the same proportion, it would be more than double what it had been in 1822. This, then, proved a considerable increase of trade; and public buildings, churches and other improve-

ments were going on rapidly. Their trade was extending in the interior of Africa, and persons from the river Niger came to trade with this very interesting colony, and carried away its various productions. Why then, when we saw such beneficial effects flowing from a system which was not clogged with restrictions, or prohibitions, or monopolies, why should we not expect the same effects, if the same causes were put into operation in other colonies? The next document to which he should refer, related to the state of trade in Hayti, which was drawn up by one of the secretaries of state belonging to that island; and this would clearly demonstrate that Hayti was making a progress to prosperity no less rapid than the country to which he had just alluded. He did not mean to trouble the House by enumerating all the items in this long document; but there were some of the statements it contained to which he prayed particular attention. In 1822, the number of ships employed in the import trade amounted to 1,135, the tonnage was 121,474, the amount of the cargoes was 13,017,890 dollars, the duty to the state amounted to 1,477,178 dollars. In the export trade, the number of ships employed was 700; the tonnage 78,769; the total value of the exports of their various commodities was 9,020,397 dollars, and the total duty on exports was, 1,365,402 dollars. The state of Hayti was in the enjoyment of freedom and security, and there was no reason to infer, that the same results would not follow a similar system, whenever it might be introduced. He held another document in his hand on the same subject, and he was sorry it was in the French language, because he was prevented from reading its contents to the House; for it exhibited the most delightful picture of the prosperity of the people, and demonstrated in the most conclusive manner, the advancement of the country in agriculture.

He was aware that he had trespassed too long upon the attention of the House [hear, hear!], and should immediately come to that part of the question which it would be expedient to consider, provided the sum now paid on the export of sugar should be devoted to promote the prosperity of these islands. What he should propose was, that the sum raised upon the people of this country (and which he should be able to prove, if the House would grant him a committee), should be

devoted to promote the great object of emancipation. He did not mean to propose any violent change in the present system. He was persuaded, that the easiest means of facilitating the object would be that proposed by the right hon. gentleman opposite (Mr. Canning) in one of his resolutions respecting Trinidad; namely, that the slaves should have one day in the week allotted to them to raise a fund by which they might ultimately be enabled to purchase their emancipation. This, he thought, would be a measure of wise policy; and, if a sum of money could be raised equal to that now levied on the people, the effect would be, to promote, to a very great degree, the emancipation of the slaves, whilst at the same time it would confer a great benefit upon those who received the purchase money, and would also abolish that system from which their distress arose [hear, hear!]. There were various other ways in which such a fund might be rendered available to the object, but he should not trespass longer on their patience. He would implore the House to grant the committee for which he meant to move, not with a view to go into those points to which he had alluded latterly, but specifically to inquire into the operation of these bounties, in order to ascertain, whether the view he had taken of the subject were correct, and whether this sum was or was not raised on the people as he had stated it. That fact being proved, it would be a subject for further consideration, in what manner so large a sum could be most beneficially applied. He wished distinctly to have it understood, that he proposed to limit the inquiry to the object he had stated, and if his opinion should be corroborated, it would be seen that there existed a system quite at variance with those principles of free and unrestricted trade, upon which the government professed to act. He should now conclude by moving "That a select committee be appointed to inquire into the Bounties paid upon the export of Sugar."

Mr. *Huskisson* said, that so large a portion of the able dissertation of his hon. friend had been addressed to the great question of slavery, and so small a portion of it to the very narrow question of which he had given notice; namely, the drawbacks on the exportation of sugar, that he thought the House would agree with him in thinking, that it would have been much more properly addressed to the House,

when the great question was under their consideration, if his hon. friend was not prepared with some practical measure to be introduced in the present session with reference to this portentous question, and all the important considerations growing out of it. After the feeling which had been generally expressed on the subject in that House, and the mode in which it had been determined to approach it, he thought it would have been much better if the hon. member had left the subject to the executive government, and not have agitated a question which was fraught with such fearful consequences. His hon. friend had stated at large his abstract views, founded upon moral considerations, as to the relative value of compulsory and of free labour; which latter he had again subdivided into work by task and work by day. In the general principle it was impossible not to agree; but, for the reasons he had stated, and in which the House seemed to concur, he must repeat, that this was not the proper time, nor the proper mode, for such discussions: and he had further to complain of his hon. friend, for having shaped his motion in such a way as that the House were taken by surprise, and had not come down prepared for the discussion of this important subject; and also, having discussed it, for not coming forward with some practical measure. It would not, therefore, be expected that he should follow his hon. friend through his details; and he should confine himself simply to that small portion of the question which was embraced in his motion. His hon. friend said, that the condition of the West Indies was most unfortunate; that distress was their natural state, and prosperity the exception; and then he had referred to the history of Jamaica by Mr. Bryan Edwards; so that if he were to follow his hon. friend, he should have to trace the history of that country for the last forty years from the period of their prosperity, into which they had been speedily raised by the great convulsion at St. Domingo, down to their subsequent distress, occasioned, perhaps, by that very sudden change. But, he would take simply the premises of his hon. friend, and admitting that the distress existed, without going into the causes of it, he might even admit, that cultivation by slaves might have aggravated the difficulties; but, admitting all this, he would ask his hon. friend, whether it was wise to select precisely the

moment of their distress, to deal out a measure, the immediate effect of which must be, even according to his own view, to aggravate this distress? His hon. friend, sanguine as he was—and God knew how heartily he wished his hopes could be realized—must at least admit, that although, perhaps, there existed a facility for a change from slave labour to free, yet still it was not a thing of a moment: he knew—he must know, that the amelioration of the state of the colonies must proceed upon other and different grounds from a sudden emancipation. His hon. friend must be aware, that before these salutary advantages could be obtained, all the aids of improved moral intelligence, all the motives to good action, must be well inculcated and well understood, before they could hope to secure for the slave-population that benefit which a change in their condition was intended to realize for them. He was convinced that if his hon. friend would look with more care into all the details of calculation which the subject involved, he would find himself much mistaken in many of the essential parts of his estimate, and necessarily wrong in the conclusions which he drew from them. If these errors had entered into his calculations, why call for their correction by the appointment of a committee? It was a dry matter of fact, capable of elucidation without taking any such course; and being so, no parliamentary ground had been laid for the appointment of a committee, which, in the present state of the West-India interests, was calculated still more to embarrass those engaged in the trade, in all their fiscal and pecuniary arrangements. The sense of parliament having been already expressed upon the great general West-India question, and it being understood that it was to be left to the consideration of the executive government, and intrusted to their responsibility, he thought it would be wise not to deal with it by incidental debates either in or out of committees, but to leave it where it could be most practically viewed. When his hon. friend said, that, by his proposed arrangement, a fund for the emancipation of slaves might be created, amounting to no less than 1,100,000*l.*, he again greatly overshot the mark; for the actual amount of the difference to which he had alluded, as paid into the Exchequer, did not exceed from 100,000*l.* to 150,000*l.* Taking, however, that part of his hon. friend's

proposition, for granted, he must say, that it ought to be propounded in a different shape. If that change in the condition of the slave-population was to be effected by a fiscal measure of economy, let it be broadly put to parliament, whether they were ready to work what might be deemed a salutary change, and to pay such an amount in cash to the masters, to purchase the emancipation of such a number of slaves. As to what his hon. friend had observed, respecting the prosperity of Sierra Leone under a different system, did he mean to say, that what was practical in the education, discipline, and internal regulations and improvements of a small colony, so placed, and so paid for, could be practically introduced, and with equal practicability managed, when transplanted and applied to the condition of the West-Indian population of 800,000 slaves? That the commercial policy of Great Britain was altering, was indeed clear. His hon. friend could not be unaware of the immense change which was now working in the old commercial system of the world, by the recent events which had occurred, and were still in progress, in the new world. A great commercial country like this, must more or less, adapt her policy to a state of things which had arisen in those large and important colonies which had separated themselves from their previous state of European dependence. New interests had been created, and still were creating: and England must regulate her policy according to circumstances, many of which were not yet fully developed. This, again, was a point of discussion into which he thought it would be improper for him incidentally to embark, with his hon. friend. For these reasons he trusted the House would agree with him, that there was no necessity for appointing a committee to ascertain facts which were not in dispute, and more particularly for the purpose of discussing conclusions which could not fail to awaken jealousies and alarms, which it was not prudent at the present moment to excite.

Mr. *Whitmore*, in reply, observed, that he had the most conclusive evidence to shew the great difference of price which existed between the sugars of the British plantations, and foreign sugars of inferior quality, on bond. It was quite clear that some change of system must take place. When the right hon. gentleman

charged him with absurdity, because so large a sum as he had named was not paid into the Treasury, he must beg leave to assert, on the other side, that the sums paid into the Treasury did not measure the amount drawn out of the pockets of the consumer.

The motion was put, and negatived.

CONTINUANCE OF THE SALT DUTY.]

Mr. Wodehouse rose to bring forward his promised motion for the continuance of the Salt Duty; and to enable the House to ascertain if some more substantial relief could not be obtained for the country by the diminution of an equal amount in some other part of the public burthens. He was aware that the great objection which had been urged, as it were in limine, on the consideration of this subject, was, that the faith of parliament stood pledged for the entire abolition of the salt duties [loud cries of "hear"]. He hoped he was not particularly prone to any laxity of principle; but he confessed he could not see how a vote of that House could be held indissoluble. Parliament was a collective body, its faith was its united pledge; perhaps this pledge might have been given when one third of the collective body were not present. But, be that as it might, his idea of the honour of parliament was, to measure its conduct by the present view of what it would be best for the true interest of the country to adopt, under all the circumstances of its present situation. Their duty, and the express order of their institution was, at the time of their being called upon to consider a proposition, to see what was then best for the interests of the country to adopt. What, then, was the best course for the House to take, under existing circumstances, with respect to the remaining salt duties? He was aware that the objection was not so much as to their present amount, as it was to the operation of the Excise regulations which still accompanied the payment of what remained, and the particular inconvenience of which was felt by the class less able to bear that infliction. It must be obvious to all, that the details of such a subject must be left practically to the individuals engaged in the regulations. He had, therefore, for information upon that point, referred to Mr. Carr, the solicitor of the Excise [cries of "hear," from the opposite benches]. He begged to inform the hon. gentlemen who had just cheered his refer-

ence, that he was no advocate for these severe Excise laws, or their accompanying penalties; but, he must declare, that both the one and the other ought to be considered with patience, and not with passion. He begged to call the attention of the House to what had been said by Mr. Carr, when he was examined respecting the operation of the Excise laws, before the committee on the criminal laws. Mr. Carr, before that committee, had justly laid it down as a principle, that if low duties were imposed, low penalties would suffice; but that it was the imposition of high duties which necessarily led to high penalties, and these in their result, to the desperate schemes of smugglers. Something had been said of the anomalous difference between the English and Irish salt duties, and an argument for the total abolition had been founded thereon. Upon that point he would merely remark, that as they had now a consolidation of the English and Irish Excise boards, some regulations might be made to obviate the objection to which he alluded, consistent with the fair retention of the remaining portion of the duty. The amount of duty retained was 300,000*l.*, and the expense of collection, estimated at 5 per cent, was 15,000*l.* In viewing this object, he had called for returns, showing the state of Excise prosecutions in England and Scotland during the last five years, and the result established his opinion, that the diminution of the duty had repressed smuggling in the article. In 1819, the general amount of Excise prosecutions was in number 191, penalties recovered from 3,000*l.* to 4,000*l.* In the year ending 5th Jan. 1824, there were twenty-three prosecutions, and the penalties recovered were 53*l.* The state of prosecutions actually originating with, and carried through the court of Exchequer, was, in 1819, 37 prosecutions; penalties recovered, 2,400*l.* In 1824, three prosecutions; penalties recovered, 11*l.* 18*s.* 8*d.* In Scotland, in 1819, there were 513 prosecutions, and 4,900*l.* recovered. In 1824, 212 prosecutions, and 604*l.* recovered. The smuggling in salt was, therefore, almost wholly done away with. There was one man in Cheshire who used to employ 25 of these men during the high duties, and he had discharged them all when the tax was reduced. He knew, from what he could learn from the bakers of Norwich, that no smuggling in salt was carried on there; and the hon. member for Yarmouth could

say whether he had or had not received similar information respecting the fisheries at Yarmouth.—On the subject of the fisheries, he was far from wishing the adoption of any measure calculated to discourage them; but it was well known, that their fisheries could not be carried on to an indefinite extent; sometimes the fish would come, when the men or their nets were not there to catch them; and, at other times, when the nets were spread, the fish would not approach them. There was not the same quantity of fish consumed here, as there was in Catholic countries. The next point to which he should allude was the quantity of salt used for the purposes of agriculture. He was aware that, under the existing law, it was necessary that a person using it for these purposes should give a certificate, stating the quantity which he used, the land on which he used it, the sheep, or other cattle, to which he gave it, and the result which he derived from it; and that, if he failed to give such certificate, he was liable to a penalty of 40s. a bushel for every bushel of salt he consumed, or to a penalty of 100*l.* for the whole quantity, at the discretion of the Board of Excise. He had no objection to do away entirely with the necessity of giving this certificate. With regard to the utility of salt for agricultural purposes, he believed it to be much magnified. The hon. member for Cumberland, could, however, afford to the House the best information upon that subject, as he had frequently employed salt upon one portion of his estates, and not upon another. He understood, that not only the members for Wareham, and Shaftesbury, and Bodmin, were opposed to his proposition, but also all the members of the western counties; and that, too, chiefly on account of the advantages which the employment of salt conferred upon the agriculturist. There was, however, one gentleman connected with the western counties, whose support he expected, and whose vote he would rather have than that of all the other gentlemen of the western counties put together. That gentleman was the hon. baronet, the member for Westminster. On a former night, that hon. baronet had said, that it would be of the greatest advantage to Ireland, if the House voted to her service the million of money which it was going to expend on much worse objects; and had added, that he should feel great satisfaction, if the 500,000*l.*

which the House was going to expend on new churches, the 300,000*l.* for the repairs of Windsor Castle, and the 200,000*l.* which was derived from the salt duties, were to be transferred to the use of the population of that distracted country. He inferred, from this declaration, that the hon. baronet was in favour of the proposition which he was now going to submit to the House; for he could not see how the hon. baronet could derive 200,000*l.* from the salt duties, unless he was prepared to continue them for a longer period. The hon. member then proceeded to contend, that the repeal of the existing salt duties would be of very slight advantage to the country. He was aware that Mr. Parks, when he was asked by the committee, "what new manufactures from salt, or otherwise were likely to originate from the repeal of the salt duties?" had answered, "that it was impossible to ascertain the number of new manufactures that might rise upon the repeal of the salt-tax; for such an impetus would be given by it to every branch of trade, that all the manufacturers would set about examining in what manner it be could best applied to their particular trade." Now, if Mr. Parks would come forward, and state any particular trade to which the recent reduction of the salt duties had given the slightest impetus, he would immediately withdraw his motion. Nay, if the hon. member for Bodmin would lay aside his affection for pilchards, and standing forward in the dignity of an abstract man, would assert, that the fisheries had derived from that reduction the benefits which it was asserted that they would derive, he would also withdraw his present motion. The hon. member for Shaftesbury had declared to the same committee, that if the salt-tax were repealed, the small house-keeper would use 14*lb* of salt where he had formerly used one; and the larger house-keeper would use a bushel where he had formerly used a gallon; and he had further added, that if salt were used in the potteries, which he promised it would be, were the tax repealed, the health of the workmen, who, at present, were much liable to paralysis, would undergo great improvement. Now, without meaning the slightest disrespect to the hon. member, he would ask, was there any man who could believe this statement to its full extent? Sir T. Bernard, speaking of the salt-works at Northwich to the same committee, had said—

"Vestibulum ante ipsum, primisque in faucibus
 orci
 Luctus et ultrices posuere cubilia curæ,
 Pallentesque habitant morbi;"—

meaning by the "pallentes morbi," the 147 excisemen who were stationed there to prevent any fraud upon the revenue. Really, when hon. gentlemen talked in such a strain, and when they inveighed upon the demoralization which was likely to arise from the continuance of the small duties upon salt, he must say that, for his life and soul, he could not understand them. He then proceeded to argue, that if these duties were continued, the country might be freed from the window-tax paid by small houses, and supported his proposition by references to the last population returns. He had been told, that his motion for their continuance was inadmissible, because a positive pledge for their repeal had been given to the House by the members of his majesty's government. Now, that proposition he for one could not understand. He would illustrate what he meant, by an example. He had maintained, and he did still maintain, in common with his majesty's ministers, the policy of keeping up a sinking fund. But he would ask, whether he must vote for the sinking fund remaining at 5,000,000*l.* in perpetuity, in case it should appear to his majesty's government, upon mature deliberation, to be expedient to diminish the amount of it, and to relinquish a part of it to diminish the amount of taxation? Certainly not; and yet the House and the government were as strongly pledged to support the sinking-fund at 5,000,000*l.* under all circumstances, as they were to repeal the remaining salt-duties. His reason for moving to continue them was, that he did not consider them to be in themselves objectionable, and that he wished to keep up a source of income with which little or no fault could be found, and to get rid of another which was liable to much and serious abuse. Contending that it was the duty of hon. members to look at taxation, not as it affected their particular constituents, but the country at large, he called upon them to judge of the present motion, not by their private interests, but by its general merits. The hon. member concluded by moving "That it is expedient that the present rate of duty on Salt be continued, in order that his majesty's government may be thereby better enabled to give a more effectual relief to the country in the ensuing ses-

sion of parliament, by the remission of the duty payable on windows."

Mr. Cartwright seconded the motion. He thought the duty, at its present amount, not oppressive, and that other taxes might be remitted, which would be more beneficial to the people. The machinery, by which the salt-tax was collected, was not, he contended, more expensive than the machinery for collecting several other taxes. If the tax were remitted, he doubted whether it would go into the pockets of the people.

The Chancellor of the Exchequer said, that standing in the particular situation which he did as a minister of the Crown, he was anxious, at that early period of the debate, to declare, without reserve, the opinion which he held with regard to the present motion. Honourable members would do him the justice to recollect, that in the statement which he had made to them, at the commencement of the session, he had distinctly informed them that if, in the course of it, there should be a general feeling that the cessation of this tax ought not to take place at the time fixed for it by law, it would not be a difficult task to find other means of affording relief to the public; but that he was of opinion that, as far as himself and the government were concerned, they were pledged—[great cheering.] specifically pledged—to adhere to the law as it now stood. He would not go so far as to say that parliament was pledged to stand by that law, if it were good that that law should be repealed; or that the government were bound not to repeal it, if the repeal of it were either good or useful to the public. He had, therefore, on formerly addressing the House, qualified the pledge which he had given in this manner—that there must be a strong general feeling in favour of this tax before he could venture to propose its continuance. If, therefore, any such feeling had been excited, he should have felt himself at liberty to support the motion of his hon. friend; for he agreed with his hon. friend in thinking, that the objections to the continuance of the 2*s.* duty on salt had been very much over-rated. Indeed, it was his opinion, that the consumer would not be at all benefited by the repeal of it. It was impossible, he contended, to retain these two shillings duties without retaining the exemptions. He was inclined to say, that if any tax on salt were continued, it ought either to be much more than 2*s.*, or to be

reduced to so low a rate as to dispense entirely with the exemptions; for it was out of these exemptions, that all the smuggling, perjury, and demoralization arose, which rendered this tax so generally objectionable. Though he believed, that if the exemptions were removed, and the duties lowered, the produce of the tax, from the greater consumption given to the article taxed, would be as great as it was at present, he was not prepared to say that there was no objection to the extinction of these exemptions. The hon. member for Bodmin would, perhaps, tell him, that the evil created by these exemptions was not compensated by the amount produced by this small tax—a sum which he believed was somewhere between 200,000*l.* and 250,000*l.* The question which he had to put to himself was this—is the advantage which the public income derives from this tax sufficient to justify me in retaining it against the indisposition of the House? which certainly was much greater than he had previously expected. His hon. friend had told them, that he anticipated many objections to his motion. He had told them, that he had reckoned among his opponents not only the hon. members for Shaftesbury, and Bodmin and Wareham, but also all the members connected with the western counties. This was a proof that there was no strong feeling in the country in favour of this tax. He therefore felt, that, after the pledge which had been given, government would not be justified in continuing it a moment longer than the period fixed by law. Thinking that there was no general feeling in favour of the tax, he had not waited for the expression of the opinions of the House; but had come forward at the earliest opportunity, to make a suggestion to his hon. friend, which he trusted he would not be indisposed to adopt; namely, to withdraw his motion. As his hon. friend had coupled his project with another, to which he could by no means accede, he should have been obliged to make the same request to him, even if the House had been inclined to listen to his proposal about the salt-duties. If his hon. friend was not disposed to accede to his suggestion, he must conclude by moving the previous question. [loud cheering].

Cries of "question, question," were then raised, mingled with a loud call for "Mr. Wodehouse" from all sides of the House. Upon which, Mr. Wodehouse

rose, and, with the leave of the House, withdrew his motion.

[SALARY OF THE JUDGES.] Mr. R. Martin, after a speech which was rendered inaudible in the gallery by the confusion prevalent in the House, moved a resolution of which the effect was "to increase the salaries annexed to the great offices of state, and to high judicial situations of the country, so as to render them more adequate to the labour and importance of the duties to be discharged, and more worthy of the justice and liberality of the nation."

The *Speaker* asked, whether any gentleman seconded the motion?

Mr. R. Martin said, that an hon. member had promised to second his motion, whom he did not at that moment see in the House.

Mr. Secretary Peel said, that he rose as an officer of the Crown, but not to second the motion of his hon. friend. With regard to the first part of his hon. friend's proposition, he did not mean to say a single word; but with regard to the second, he might be permitted to state, that the propriety of increasing the salaries of the judges had recently been, as indeed it deserved to be, under the consideration of the Crown. The emoluments of the judges were at present insufficient to support the situation which they occupied in the country, and fluctuated according to the fees which they received. Now, he thought that nobody would dispute this proposition—that the emoluments of the judges ought neither to be precarious, nor derived from uncertain fees. The public interest required, that such an addition should be made to the salaries of the judges, as would induce men in the prime of life and of mental vigour, to devote themselves to the discharge of their important duties.

Mr. Hobhouse stated, that he should feel it his duty, if the suggestion of the right hon. secretary should ever be submitted to a committee, not only to oppose it, but also to submit another motion of very considerable importance to it, if that suggestion were adopted: namely, that in future, there should be no promotion on the bench. He would not now state his reasons for such a motion, but he had a motive for entertaining the intention; and he repeated, that if the suggestion of the hon. gentleman should travel to a committee, he would not shrink from explain-

ing that motive. He threw this intimation out, in order to give the right hon. gentleman fair warning, that the proposition, come when it might, would meet with opposition. Many hon. gentlemen thought with him on this subject, and it would be found, that the generality of the country concurred in the opinion.

Mr. *Leycester* was favourable to an increase of the judges' salaries; and hoped the addition would be accompanied with a provision for a third assize.

As there was no motion before the House, the conversation here dropped.

HOUSE OF LORDS.

Friday, May 14.

[ALIEN BILL.] The bill was read a third time. On the motion, that it do pass,

Lord *Gage* said, he had no objection to the principle of the bill; but he thought the power entrusted to the secretary of state to send foreigners not only out of the country, but where he pleased, required some limitations. As the bill now stood, the gallant *Mina*, and *Alava*, might not only be sent out of the country, but back to Spain. Suppose a Polish or an Italian refugee were demanded by the power, which at present domineered over Poland and Italy, would their lordships stand firm? And if the ambassador of either of those powers should make war or peace depend on our compliance, would their lordships prefer a war to giving up such an alien? He thought some clause should be introduced into the bill, limiting the power of the secretary of state as to sending aliens to other countries.

The Earl of *Liverpool* said, it would be the duty of every British minister, to resist any such demand, and run the hazard of a war rather than comply with it.

Lord *Clifden* agreed, that the power entrusted to the secretary of state was too great, and would no doubt be much abused, if it were not for the check in which ministers were held by a free press.

Lord *Holland* was against the principle of placing confidence. Some persons entrusted with arbitrary power, abused it without knowing it and without wishing it; others abused it designedly. The whole principle of this bill was arbitrary, and it ought to be restricted as much as possible. As the bill now stood, it was impossible for parliament to see its enactments enforced. The secretary of state

might send an alien to any place he pleased, and to some place where his life might be forfeited, according to some arbitrary regulations, which were called laws by the courtesy of Europe.

Lord *Gage* then moved, that the following clause be added by way of rider to the bill;—"Provided always, that no alien under the provisions of this act shall be transported, in any case, to any part of the dominions under the authority of his lawful sovereign."

The Earl of *Liverpool* objected to the clause as answering no good purpose. If it was right to give the power of sending an alien out of the country, this power must not depend on the alien going of himself, but there must be a power of sending him, and that power must employ force in carrying him away, if necessary. It was not possible, nor would it be judicious, to place any limits to this power. He should not wish to send a refugee Spaniard to Spain; but the power of sending aliens away must be left without limits.

Their lordships then divided on lord *Gage's* motion: Contents, 13; Not Contents, 25. The bill was then passed.

[SILK-MANUFACTURE BILL.] On the order of the day, for the second reading of this bill,

The Earl of *Lauderdale* said, he had, on a former occasion, presented a petition from the Silk manufacturers of Dublin, complaining of the impediments thrown in their way by the Dublin Society, which, he understood, was a mixed company of ladies and gentlemen, who met as a board of trade, to settle the rate of wages, and sundry other matters. When parliament delegated a power to fix wages, and create regulations to the Dublin Society, it had, in fact, given that society as much power as it had itself. In a country like this, where freedom was regarded as the only sure basis of prosperity in trade, he was sure he had only to state these restrictions, to ensure support to the bill which was to repeal them. He did not expect, therefore, any opposition to its second reading. It was the same, in substance, as the bill which had been introduced to their lordships last year; and when he took into consideration the sound opinions as to freedom of trade, which prevailed on his side of the House, he was sure that there the bill would meet no opposition; neither did he expect it would be opposed by their lordships on the other side. Last

session their lordships had allowed a similar bill to be read a second time. Having, then, already sanctioned the principle of the measure, their lordships would not surely act so inconsistently as to refuse a second reading to the present bill. A measure had already passed, by which all the restrictions were to be removed in 1826; and he wished their lordships now to consider, whether it would be right to hamper those restrictions, until the time when the foreign importations should take place, which would render all the precautions they had taken abortive. It was hoped that, by the machinery which the capital of this country could afford to put in motion, we should be enabled to out-sell every other country; but he wished to know what encouragement the master manufacturer would have, to employ his capital in improving a trade from which he could derive no benefit. By the ingenuity and industry of our manufacturers, this country might hope to enjoy the advantage of an export silk-trade; but, while the law remained in its present state, that was impossible. The British manufacturers of muslin had outdone the manufacturers of India in that article; and, though wages in France were low, they were not so low as wages in India. There was, therefore, no reason, if the restrictive laws were repealed, why the manufacture of silk might not be brought to such a state in this country, as to render it as great an object of export as cotton. It was said, the journeymen would suffer by the alteration he proposed. Now, he stood there with the wish of supporting equally the interests of the journeymen and the masters. It was, indeed, impossible to separate those interests in the view which he took; for he well knew, that if a free trade existed, the master could not obtain an advantage, without at the same time benefitting the journeyman; but, the regulations he wished to do away with precluded the operation of this principle. Suppose the journeyman to apply to a magistrate for an increase of wages, the magistrate judged of the necessity of the rise by the price of the quarter loaf. If, at the last adjustment, the loaf was 8d., and at the time of the application it was 10d., the magistrate thought he did enough if he raised the wages of the weaver one-fourth. But, nothing could be more injurious to the interest of the journeyman weaver than this fixed price for the article he made.

On an increased demand, he would obtain higher wages; but he was tied down by the price of the quarter loaf. On the other hand, when the trade became languid, the master could not afford to pay the fixed price; he, therefore, withdrew his capital, and the journeyman was thrown out of employment. Another hardship created by the law was the restriction respecting apprentices. A weaver could have no more than two. Thus, when old age or infirmities had rendered a man, who had devoted himself to a profession which required the exertion of great ingenuity, incapable of earning a livelihood by the labour of his hands, he was prohibited from supporting himself by teaching others. He might have a large family of children, and in that case it would be natural for him to wish to employ them; but the journeyman must sacrifice his paternal affection to the restriction of this impolitic law.—The noble earl next called their lordships' attention to the regulations in the weaver's price-book, and pointed out the injustice of only the same price being allowed per yard for certain articles, whether the width was a yard or half a yard. With regard to fancy work, it never was carried on to a less extent than at the moment he was addressing their lordships. When that work was regulated by law, the labour of two persons was necessary; but, since machinery had been introduced, one was sufficient; yet, notwithstanding the advantage gained by machinery, this branch of the trade had declined; because the master was obliged to continue to pay for two persons, though he needed only one. The noble earl concluded by expressing a hope that the observations he had made would induce their lordships to proceed to the second reading of the bill.

The Earl of *Westmorland* opposed the motion. From every thing he had heard—and what he had heard was confirmed by the petitions on the table—as much alarm prevailed now among the industrious population of Spitalfields, as last year. It would be better to see what effect the law lately passed would have, before their lordships proceeded further. It was a very serious matter rashly to disturb the minds of great masses of people. The silk-trade was not said to be at present in a state of distress; consequently, there was no ground for immediate interference. To put an end to long-existing regulations was a thing which ought not to be

hastily done. He would, therefore, move as an amendment, "that the bill be read this day six months."

Lord Ellenborough thought the present the best time for removing the restrictions, and intimated his determination to vote for the bill.

Their lordships divided: For the second reading: Contents 23. Not-Contents 8.

HOUSE OF LORDS.

Monday, May 17.

STATE OF IRELAND.] The Earl of Liverpool rose, to move for the appointment of a committee on the State of Ireland, similar to that recently appointed by the other House. When the Insurrection act was under consideration last year, ministers had promised, in the case of its being thought necessary to renew that measure, to give every necessary information to parliament on the state of Ireland. It was with a view to the fulfilment of this promise that he now moved, "That a committee be appointed, to examine into the nature and extent of the disturbances in those counties of Ireland now subject to the operation of the Insurrection act."

The Marquis of Lansdown said, he experienced a melancholy satisfaction at finding that, however desirous ministers had hitherto been, to escape from all inquiry on the subject of Ireland, that now, after years of delay, an inquiry was forced upon them by what had occurred in another place. The measure, as limited by the terms of the noble earl's motion, was unfortunately of a very partial nature; still, it was gratifying to hear it proposed, even under those limitations, that something like an inquiry should at last be gone into. At the same time he must say, that, limited as the noble earl's motion was, he was afraid the inquiry would be very far from going to the root of the evil, and producing that full disclosure of its cause which could alone enable their lordships to discover those constitutional remedies which they ought to apply instead of continuing that inefficient remedy to which they had already so often resorted. He, therefore, implored their lordships to consider, whether it was not their duty, to satisfy themselves as to the causes of the evil, and whether that satisfaction could be obtained by an inquiry into the state of only certain parts of the country. It was also his wish to enable those who might be of opinion that the inquiry

ought to be general, to record such opinion, by moving an amendment to that effect. If it could be supposed that the districts of Ireland into which the Insurrection act extended were the only parts of the country in which the circumstances that gave birth to the disturbances existed, he should be quite as willing as the noble lord to confine the inquiry to those districts; but that this was not the case, their lordships, who were aware of the proceedings of the Irish government with respect to the application of this act, need not be told. They well knew the nicety with which it had been attempted to distinguish, by delicate shades and thin partitions, between the peaceable and disturbed districts. They knew how often it had been made a question by the magistrates and the government, whether a certain place was fit for the Insurrection act. Under these circumstances, was it possible for their lordships to take a just view of the subject submitted to their consideration, without going into the general question of the state of Ireland? Would the noble earl point out any part of Ireland, in which he could positively say, that the Insurrection act would not be enforced next year? A full and prompt investigation was due to the present peaceable part of the country, to prevent the great calamity of the extension of this act, which, wherever applied, was attended by most dreadful consequences to the population. To facilitate this object he would propose as an amendment, to insert after the words, "that a committee be appointed," the words "to inquire into the general condition of Ireland; and more particularly to examine into the extent and nature of the disturbances," &c.

The Earl of Liverpool denied that there had been manifested on the part of his majesty's government any indisposition to inquire into the state of Ireland. They had, in several instances, thought it proper that inquiry should be instituted; but they had always been of opinion, that in order to render inquiries useful, they should be definite in their nature. No advantage could be gained by adopting the noble marquis's amendment. The original motion was limited only as to locality; in every other circumstance, the inquiry was made as large as the noble marquis could desire. With respect to locality, their lordships would feel, that the inquiry, if gone into at all, could not fail to be conducted according to the terms

of the motion ; for the persons appointed to inquire would doubtless turn their attention first to those parts of the country where the evil was most crying. Had it been made general, the first object would have been, to ascertain what part of the country, and what part of the subject, should be commenced with, which would have brought those who had to inquire precisely to the point specified by the motion. For these reasons, he must oppose the amendment.

Lord *King* thought, that some good might be done by the inquiry but wished, it had been more extensive. He was aware, however, that such an inquiry could not easily be obtained. The learned lord on the woolsack would resist any interference with one party. He would say, "These are my Orangemen, the only true Protestants." It was said, that Ireland had been but half conquered ; and though we had now got a Union, things were not much better for that, as it seemed to be but half united. Some fatality appeared to mix in all affairs relative to Ireland. Two parties were constantly in a state of hostility, the one claiming rights which the other denied. He therefore feared that the inquiry which the noble earl was to set a-going would not be of much use.

The House divided on the amendment : Contents 20 : Not-Contents 50 : The committee was then appointed.

HOUSE OF COMMONS.

Monday, May 17.

PARLIAMENTARY REFORM.] The Sheriffs of London presented a petition from the corporation, praying for a reform of parliament.

Mr. Alderman *Wood* said, that the petition had been carried by a large majority in a court which was fully attended. The fact was, that neither the freeholders of London or Southwark were represented at present in that House. With the present number of members it was impossible that the interests of their constituents could be properly attended to.

Mr. *W. Smith* said, he very well recollected having given his feeble support to the celebrated petition for parliamentary reform brought up in 1792, and in all he had ever heard upon the subject, from that time up to the present, he had never heard the arguments of the petition answered. It was very truly said, that the metropolitan freeholders were not represented in

any tolerable proportion to their wealth, population, and intellect. The members of the city and borough could not possibly know whom they represented. About 11,000 persons, scattered over all parts of the country, elected the members for the city of London, which contained some hundreds of thousands. The possession of a freehold in any of the other cities gave the owner a vote for the city. Now, he had held a pretty considerable freehold in the city of London for nearly half a century, and he had never been allowed to vote for the city. He hoped that the House would listen to the prayer of the petition.

Mr. *T. Wilson* could never promise his support to any measure of parliamentary reform until brought forward in a tangible shape, by way of complaint against some stated grievance or abuse.

Sir *I. Coffin* thought, that the reform of the petitioners began at the wrong end. They should first reform themselves.

Lord *J. Russell* said, that though he had not thought it expedient to agitate the question this session, he had not abandoned it, but intended early in the next session, to submit a motion upon the subject ; as he considered a reform of parliament equally necessary to the protection of the people and the security of the House.

Ordered to lie on the table.

LAW MERCHANT AMENDMENT BILL.]

On the order of the day for going into a committee on this bill,

Mr. *Robertson* said, that the monied men who were in the habit of making advances on goods, and who were the principal supporters of the bill, had no reason for introducing it into the House ; because, when they made their advances, they had always the means of ascertaining whether the property which was pledged to them, was really vested in the party pledging it. Foreign countries held out the same security to Englishmen sending their goods thither for sale, as we, by this bill, were about to deprive foreigners of in England. He would ask merchants, whether they would willingly consign goods to the continent, if the agents to whom they were consigned were allowed to pawn them ; and, in the event of the failure of those agents, to be deprived of their property ? The bill was calculated to destroy the warehousing trade of the country.

Mr. *Huskisson* said, if he thought the bill injurious to the commerce of the

country, and to the warehousing system, he certainly should not give it his support. But he was convinced it would have a contrary effect. The question was very material as it affected the commercial law of the country, and the committee of the last session, which had inquired into this part of the practice of our foreign commerce, had made a report on the subject which contained a great deal of curious information. He had, however, not suddenly formed a determination on that report, but had reserved to himself to consider the question during the recess. If this had been a legal question simply, or if it had been a practical question of trade, he should not have deemed himself competent to the forming a decided opinion on it. But it was in reality a great question of commercial policy, in determining which, neither the technicalities of the law, nor the details of the practice of trade, were of much concern. It was certainly not to be denied, that whatever obligations existed between principal and agent, or, as it was technically called, between merchant and factor, should be strictly observed, and that if the agent exceeded the powers delegated to him by his principal, he should be severely visited; but, in the consideration of the present bill, this was not the question. The point at issue was, what should be done with the third party who advanced money on goods pawned to him by the agent who had the possession and the ostensible property of them? It was quite clear that an agent, to whom goods were committed for custody, exceeded his powers if he pawned or sold them, and should be punished for such an abuse of confidence. But if the possession, on the part of the agent, were accompanied by all the symbols of property, it was not fit that a third party, who had trusted to those symbols, should suffer. What did the principal do? He selected his agent, and entrusted him with the power of shewing an appearance of property. If he selected an unfaithful agent (though it was proper that the agent should be punished for his infidelity), was it not also proper, that the principal, rather than a third party, should bear the consequences of the acts of the agent, over whose selection that third party had no control? It was said, indeed, that the possession of personal effects was no evidence of property, except as to goods sold in open market. This might be sufficient in the early stages

of society, when transactions were few, open, and conclusive. But all business was carried on by credit. A merchant who sent from Ireland to the continent his butter or his other goods, obtained an advance immediately on his consignment. It was always in his power, by the bill of lading, to limit the power of the agent, so that the agent really possessed no power but what the principal chose to impart to him. But, if the bill of lading was of such equivocal import as to convey to third parties the idea that the absolute property was vested in the agent, on the principal surely the loss should fall.—If the House would take the trouble to read the cases in the report of the committee, it was impossible, he thought, to refuse coming to a decision in favour of the bill. One case was as follows; a merchant bought a quantity of seed from another, and requested the seller to allow it to remain in his warehouse. This was complied with, and after some time the purchaser asked the person in whose warehouse it was deposited, if he had any objection to advance 2,000*l.* on the seed? The person so applied to, knowing that the seed had not changed hands since the sale, and that it was worth more than 2,000*l.* advanced the money; the purchaser, after receiving that sum, became a bankrupt: the holder of the seed was about to sell it to cover the advance, when a third party stepped in (a merchant at Antwerp), who said, “the purchaser has been acting as a factor for me: he had no power to pledge the seed.” The court decided in his favour, and the 2,000*l.* advanced under such circumstances, and on the faith of such evidence of property, was lost. The existing law had been found so inconvenient, that the courts had deemed it necessary to make an exception in respect to bills of exchange and Exchequer bills deposited in the hands of bankers. A bill of lading, accompanied by the possession of the goods, was such a symbol of property, that a third party dealing bona fide with the possessor of the goods, and having no means of ascertaining whether he was not the owner, ought to be legally protected. The agent was selected by the owner, who had consequently the means of guarding himself against the possibility of the document which he placed in the hands of the agent being misapplied; while the third party had no possibility of ascertaining the extent of the agent's responsibility. The owner of

the goods had the power of selecting his agent—he had the power of punishing him for misconduct—he had the power of restraining the negociability of the instruments with which he was intrusted. Was it fair or equitable, therefore, that a third party should suffer for misconduct of an agent, against which it was impossible for that third party to provide, but which might be guarded against by the discretion of the owner? The hon. member had said, that the warehousing system would be rendered inefficient if this bill were suffered to pass into a law. Now, he was so far from acquiescing in this opinion, that he thought the warehousing system would be wholly inoperative, if, while we invited foreigners to deposit their goods in our warehouses, we at the same time suffered the law of merchant and factor to remain on so vague and uncertain a foundation, as to afford no security to the deposit. At a period, when important changes were taking place in the commercial world, it was incumbent on us to avail ourselves of all the advantages which our wealth and position presented to us. Under the present circumstances of the country, and with a view of securing those commercial advantages, he thought it peculiarly important that the bill should pass.

Sir J. Newport thought the House and the country were greatly indebted to the right hon. gentleman for his exertions in promoting the commercial interests of the country.

Mr. Sykes said, that the bill conferred no new powers, and gave no new privilege to the consignors of goods. The plain state of the case was this. There was a consignor who gave his goods to a consignee, who sold them to a third party in the market; and that third party became responsible for any default of the consignee to his employer, with whom he had no conference whatever in the business. Surely the loss, if any liability to loss occurred in consequence of the default or insolvency of the consignee, ought to fall on the consignor, who intrusted his goods to him, and not on the third party, who was the mere purchaser in the market, and who had paid for them in the way of trade.

The Solicitor General also thought, that the consignor, who could qualify in any manner he thought proper his own mandatum, and protect himself from his consignee, ought to be responsible for the

acts of the latter, and not a third party, buying and paying fairly in the market.

Mr. J. Smith said, that when the question was first introduced it was very intricate; but the right hon. gentleman opposite had obviated the difficulties which had obstructed his comprehension. What could be more unjust than the old plan—which was, that if a man wanted 100 tons of hemp, and went to a broker who thought proper to sell for 38*l.* a ton what he was ordered by his principal not to sell under 40*l.* in such a case the sale was to be null and void; and though that hemp was sold ten times over by the buyer, still the misconduct of the original agent vitiated all the subsequent sales, and the purchasers might be ruined whilst dealing, so far as they were concerned, fairly and openly in the market? He thanked the right hon. gentleman for a bill which went to remedy so much injustice.

The bill was then committed.

WAREHOUSED WHEAT BILL.] Mr. Huskisson moved the second reading of this bill.

Mr. Handley said, that however beneficial this bill might be to the right hon. gentleman's constituents at Liverpool, still he was informed by competent judges that its effect would be very different on the general interest of the agriculture of this country; since it would hold out encouragement to foreign countries to deluge the British market with their corn. Entertaining this opinion, he should move as an amendment, "that the bill be read a second time that day six months."

Mr. Denis Brown said, that, considering the particular interests of Ireland, he would oppose the bill.

Mr. T. Wilson said, he was disposed to promote the principle of the bill, if the right hon. gentleman would consent to discuss the last clause first: he alluded to the clause which regulated, that there should be 196*lbs.* of flour for every 5 bushels of wheat.

Mr. Huskisson said, that an insinuation had been thrown out against him respecting this bill which he felt it necessary, in the first instance, to repel. Nothing could be more unfounded. He never had introduced, and never would introduce, a measure to that House—and he should be unworthy of his situation if he did so—at the instance of his constituents, which was at variance with the interests of the empire at large. He had given notice of this

measure before he had heard one word on the subject from any gentleman at Liverpool. The history of the bill was simply this. During the course of the last winter, many representations had been made to him, but not one from Liverpool, stating that a considerable quantity of foreign flour was importing into this country, principally from Hamburg and Dantzic, for the purpose of being ground and sent out in flour to the West Indies. The persons from whom he had received this information were not at all concerned in the trade in corn. They were West-India merchants; and, on looking into the matter, he found that their representations were well founded. He ascertained, by a letter which he received on the 9th of March, that there were then 14,000 barrels of flour in Liverpool, and about 8,000 barrels in London, which had been recently imported from Dantzic and Hamburg. The circumstance which led to this speculation was the difficulty which occurred in arranging and securing the supply of flour from America, for the British West-India colonies. The subject being once started, it naturally led to the consideration of the state and condition of the large quantity of foreign wheat, which had been for years locked up under bond in this country, and a good deal of it in a perishable state. In the view which he took, he saw on the one hand, that there were colonies dependent upon Great Britain for their supply of flour, and that it would be wise to allow some portion of that large British capital to get vent which was locked up in foreign wheat, merely for the purpose of having it put into a state fit to be transhipped for colonial use. As the law stood, this foreign corn was exportable as corn, but not as flour. What was there unfair in permitting that to be sent as flour, which could go as corn?—in fact, so far, to make that which was technically unexportable, legally exportable. Did the House think that, when such a consideration arose, it was fair to overlook the fact, that from one million and a half to two millions of British capital was locked up in this warehoused foreign corn, and some of it perishable? Did not the productive capital of individuals constitute the wealth of a state; and ought it not to have fair play when such a case arose as he had mentioned? Besides, see the extent of rigour which they were inflicting, if they acted up to the law inexorably, and permitted this

corn to decay in stores, when a portion of it could get vent in a foreign market. As the law stood, this corn must perish in store; it was not convertible, when it approached putridity, into manure, or food for any kind of cattle. A remarkable instance of that had occurred not long ago. There was a calamitous fire which consumed extensive stores in Liverpool; in the property so destroyed, there was a quantity of wheat; still the consumed, and deteriorated particles were capable of being converted into manure and food for swine, but to no purpose—the law as it stood disallowed that convertibility. All that he proposed to effect by this bill was merely to allow so much foreign wheat to be taken out of the granaries and converted into flour, to meet the immediate colonial consumption. He meant no interference whatever with the corn-laws, nor had he the slightest intention of holding out any encouragement to foreign growers to deluge this country with their produce. With respect to the quantity of flour which was made from the bushel of corn, he had yielded to the suggestion of the hon. member for Cumberland, that the barrel of flour should be six bushels, and not five, this was to meet the condition of the old corn which was gradually decaying. It was very singular that this alarm should have been suddenly created about the effect of this bill upon the home-market, when merely some bran could alone find its way there from the operation of his bill. A month ago, the very same gentleman entertained no apprehension from opening the ports, and letting the corn itself out of the warehouses. Respecting the general markets, who could, in this month of May, anticipate what would be the state of the coming harvest? The present average price of corn was 66s. [cries of “no” and of “63s.”]. He would repeat, the price was as he had quoted it, from the average made up yesterday of the last week’s sales. Were they quite confident, that between this time and the 15th of August, the average might not rise to 70s.; and then they would have the market open, and on the eve of their own harvest market, to 440,000 quarters of foreign corn? Why, then, all this bugbear about the operation of the present bill, which was simply and strictly what he had stated it to be. Could the landed interest be reasonably afraid of being injured by such a further supply as would come into this country, by a bill that made oats

once imported into it, exportable from it? By acceding to his measure, the country gentlemen would be at once consulting their own interest and giving a fresh stimulus to native industry. The tubs, hoops &c. in which flour came from Dantzic, were formed in that country, and gave employment to a vast number of industrious mechanics. If we allowed foreign corn to be ground in this country, and afterwards exported from it, the tubs which contained it must be formed of staves taken from the demesnes of English gentlemen and wrought into shape by the industry of their tenantry. He did not see any reason why, with our extensive colonial connexion, we should not appropriate to ourselves that trade which was at present carried on lucratively by foreigners, and in which he had no doubt we should soon acquire that superiority over them which we were now enjoying in every other branch of commerce. But gentlemen on the other side asked him, "What security was there that this flour would not get into home consumption?" He would reply to this question by asking them another—"What security had they, that Dantzic flour, or that bonded wheat did not at this moment get into the home market?" The only security which they had was the vigilance of the officers; and he left it to the House to decide, whether it was likely to be increased or diminished by the regulations which he was now proposing. He was surprised that gentlemen should be so much alarmed as to the effects of this bill. For his own part, he considered it to be of importance only as a commercial measure, and was almost ashamed of having said so much to prove, that it was perfectly unimportant to the landed interest.

Mr. *Leslie Forster* agreed with his right hon. friend as to the principle of this bill, but was obliged to differ from him in some of its details. He was therefore in some difficulty as to the course which he should pursue. He did not like to oppose the second reading; but he had certain objections to it, which he must press if they were not obviated in the committee. He wished, at any rate, that this new trade should be founded upon correct principles; because he considered it to be one which in time of plenty, could be productive of no harm, and which in time of dearth might be productive of the greatest advantage.

Mr. *Huskisson* observed, that he intend-

ed to confine the operation of his bill to the corn that was bonded previously to the last act.

Sir *E. Knatchbull* said, he was not disposed, when prices were rising, to withhold a liberal relief to the mercantile body, whose capital was employed in the warehoused wheat. Under these views, he should recommend his hon. friend to withdraw his amendment.

Sir *J. Sebright* said, that after the clear statement of the right hon. gentleman, he had no wish to oppose a measure which, without injuring the agricultural interest, was to afford relief to another great class of the community.

Mr. *Lockhart* expressed his determination to oppose any effort to disturb the corn-laws. It had been said—why not relieve so much British capital now locked up by the operation of the present laws? Who could say it was British? Was it not likely to be foreign capital? It was his conviction, that the present bill, if suffered to pass, would deteriorate considerably the security of the land proprietor and cultivator, and destroy altogether their dependence on any future legislative protection.

Colonel *Wodehouse* said, he should not give any opposition to the present measure; but, with reference to the whole question of the corn-laws, he trusted the House would exercise the greatest caution, and that it would not, from any quarter, take opinions upon trust; as he believed there was no question on which opinions, most confidently advanced, were so erroneous as on that of the corn-laws.

Mr. *Cripps* observed, that, from the first moment the foreign corn was introduced, he was convinced the sooner it was got rid of the better for the agriculturist. The effect of its remaining undisposed of was, to produce great fluctuations in the price of home wheat.

Colonel *Wood* thought the bill ought to be postponed until they knew the condition of the next harvest. Though the price of corn was higher at present than it had been for some time past, the capital of the British farmer was still in a very poor condition; and no measure was so calculated to deteriorate it still more, as breaking down the present system of our corn-laws.

Mr. *Huskisson* begged to say, that he had not stated any intention on his part to change the corn-laws. All that he had observed on the general question was,

that he disapproved of that part of their operation which opened and shut the ports by striking averages, where the fractional shilling made the alteration. Such a system must, from its very operation, lead to a constant fluctuation of prices.

Lord *Althorp* viewed the present measure as one of perfect indifference to the agricultural interest. The measure would not come into operation until the 15th of August; and if it should then appear that the harvest was not likely to be a good one, the bonded wheat would of necessity be thrown into the mass of foreign corn that would, on the opening of the ports, be introduced. As to the general question of the corn-laws, it was his opinion, that the present system of averages led to the fluctuations of price—one of the greatest evils that could affect agriculture.

Mr. *Bright* said, that the bill had for its object to allow British merchants to turn a large capital to some purpose. He was sorry the right hon. gentleman had given way on the larger and smaller number of bushels. But he yet hoped to see this country the great granary of Europe, importing the wheat of all other nations, and exporting it to other countries, according to their respective wants.

Sir *J. Newport* said, that with the modifications of the measure, and with the understanding that the corn-laws were not to be altered, until the public mind was more prepared for such a change, he should not oppose the bill.

Mr. *Sykes* expressed his approbation of the plan, so far as it went: but was of opinion, that it did not go far enough. He trusted, however, that, at some future period, the right hon. gentleman would be prepared to carry it to a further extent.

Sir *F. Burdett* said, he agreed with the hon. gentleman who had just sat down, and thought that the country gentlemen took a very wrong view of their own interest, in supporting the system of the corn-laws. The present, however, was not the occasion for entering into the large question. When that occasion did arise, he should certainly avail himself of it to point out the errors of their present policy. If any one trade required more than another to be entirely free, it was that very trade of corn. The more food was brought into the country, the better was it for our manufacturers. To augment the quantity of food was to increase the energies and to promote the industry of the country, and by that means to

create a greater demand for the agricultural produce. Some gentlemen had objected to the present measure as tampering with the corn-laws; but, the whole system of the corn-laws was itself a tampering one. His own objection to the present measure was, that it was too trifling—that it did not go far enough; for if there was any thing in the principle of free trade, it was as applicable to corn as to any other commodity. But, when they talked of free trade, he would ask what trade in this country was free? The government, it would appear, stood in awe of some ignorant prejudice, and upon that account were unwilling to push the experiment further; but, as far as he could see, there was more of that prejudice within the walls of that House, than any where else [hear, hear!]. In fact, the fault of the measure was, that it did not interfere enough with the corn-laws. He would vote for it, however, trifling as it was; and when the proper time arrived, he would undertake to shew, that the interests of the manufacturer and of the landed proprietor were one and the same; and it was a mistake to suppose that one could prosper in the depression of the other; and that it was only by acting for their combined advantage, that they could arrive at any useful policy. He hoped that some permanent measure would be established at last, instead of changing from day to day, as they had been doing with respect to this question, for such a number of years.

Mr. *Handley* then withdrew his amendment, and the bill was committed.

MARINE INSURANCE BILL.] Mr. *Alderman Thompson* hoped, that Mr. *Buxton* would consent to postpone his motion on this subject at that late hour.

Mr. *F. Buxton* said, he had no objection to bring in the bill then, and discuss the measure on the second reading; but he would be guided by the opinion of the House.

Mr. *Grenfell* objected to the bill, as having for its object to take away the rights of individuals, without giving them any compensation.

The House then calling on Mr. *Buxton* to go on,

Mr. *Fowell Buxton* said, he would shortly describe to the House what the nature of the bill was; but, in the first instance he felt it necessary to state what the law was, as it now existed. At pre-

sent, an individual who wished to insure a vessel could not go where he pleased to effect that insurance, but was reduced by the law to apply to one of two chartered companies. Now, he would ask his hon. friend, what good reason could be adduced in support of this restriction? What good reason could be given for confining insurances to one of two chartered companies, or to certain individuals at Lloyd's? While every other species of trade was conducted by firms, what reason, he demanded, could be advanced for crippling marine insurances by this restriction? [Hear.] A man might insure his life or his house wherever he pleased—a man might insure his ship, while building, or when in port, wherever he thought fit—but, when she proceeded to sea, when the risk was greatest, then, and then only, he was compelled to seek that insurance which perhaps he considered the least eligible. In many instances this system was productive of very great inconvenience and expense. For instance, if a merchant residing at Hull wished to insure a valuable cargo, he must first apply to his agent in London. That was attended with considerable expense. That agent applied to an insurance-broker; which was also attended with considerable expense. It was proved, before a committee of the House of Commons, on this subject, which sat in 1810, that the charges to which he had alluded, amounted to 25 per cent on the sum paid for insurance. The insurance-broker finally resorted to Lloyd's coffee-house. If he succeeded in getting the policy, it was underwritten by five-and-twenty or thirty persons. In the event of the vessel's being lost, the owner came upon the insurers. Some of them, however, were perhaps dead; and he had to employ an attorney and proceed against their representative. Some of them had perhaps become bankrupts; and he had again to employ an attorney and proceed against their assignees. Some of them were perhaps litigious, and once more he had to employ an attorney, for the purpose of carrying on an expensive lawsuit. Finally, he received only a dividend upon his undoubted right. Under the present system, then, the merchant had to contend against lawyers' charges, agents' charges, and brokers' charges: whereas, if the restriction were removed, all this expense and inconvenience would be removed with it. [hear]. Surely the removal of such evils would be a matter of great national bene-

fit. If the Hull or Liverpool or Bristol merchants were allowed to form companies for the purpose of insurance, they would, in the event of a vessel being lost, be relieved from those great legal difficulties, and that weight of expense, to which a man was necessarily exposed, when he had to settle an account with executors or assignees. He knew that a company might fail as well as individuals; but he felt that it was an occurrence far less likely to take place. If it were necessary, he could establish by the clearest evidence, every one of the difficulties he had described—every one of the positions he had laid down: and he was quite sure, that, by getting rid of delays and litigation—by getting rid of agents' charges and of law expenses, they would open a new and extensive field for commerce in this country [hear].—There was one other point which he wished to press on the House at this moment; namely, that the effect of this measure would be, to bring into this country a vast number of foreign insurances. There were at present some foreign insurances effected in this country, but not nearly so many as would be effected if the restriction were removed. The great mercantile houses in England were perfectly well known on the continent; but that was not the case with those persons by whom the insurance business was carried on; and the foreign merchant, of course, did not like to trust to the responsibility of twenty or thirty individuals, who were not known: but it would be an inducement for him to bring his policy here, if he were assured of the respectability of the security offered. His honourable friend had said, that there were chartered companies, and that they possessed rights for which they had paid, and of which they ought not to be deprived. Now, he would state to the House how those charters had been obtained. In 1720, the civil list was considerably in arrear, and it was necessary to obtain a supply of money. The minister of that day found it impossible to tax the country further; and, in this state of things, the companies to which allusion had been made came forward with an offer of 600,000*l.*, and, in consequence, obtained those charters. He must observe that, in the first place, they obtained them under false pretences. It was stated in the preamble of the bill, that those companies were necessary to promote the trade of the country; and that therefore parliament granted them certain

immunities. Now, it would be seen that they had not promoted, but that they had injured, the trade of the country. His hon. friend said, they had a right to hold those privileges, because they had bought their charters. How stood the fact? They had agreed to pay 300,000*l.* a-piece, and it was agreed that if, in the course of thirty-one years, notice to that effect was given, those charters might be revoked, on the money being paid by the country; but that if they continued beyond thirty-one years, the money was not to be refunded. He demanded, whether those companies had enjoyed their stipulated thirty-one years? They had enjoyed their privileges for 104 years [hear]. The next question was, had they paid the amount bargained for? No; they had not. They had paid only 111,000*l.* instead of 300,000*l.* a-piece. Having, therefore, only paid one-third of what they covenanted for, and having enjoyed their privileges for more than three times the length of the period mentioned, he did not think they had quite so strong a claim, as his hon. friend seemed to suppose. He really was at a loss to understand on what grounds his motion could be resisted; the object of his proposed bill being to give advantages or facilities, not to any particular individual, but to the whole trade of the kingdom. He would not detain the House longer on the present occasion, but merely move for leave to bring in a bill, "to repeal so much of the Act 6 Geo. III. c. 18, as restrains any other Corporations than those in the Act named, and any Societies or Partnerships, from effecting Marine Assurances, and lending money on Bottomry."

Mr. Plummer said, the hon. gentleman had observed, that the privileges granted to those companies were confined to thirty-one years, and that they were then liable to be revoked. But he believed the fact was, that the grants were in perpetual succession, and subject to redemption. They could not be interfered with, unless the king, in council, notified that some inconvenience arose from them. In that case, the grants might be redeemed; but it was provided, in that event, that no similar privilege should be given to any other party. The hon. gentleman was also in error with respect to the sum of money advanced. Those two companies had paid the large sum of 150,000*l.* each, which was all that was required. They were originally asked for 300,000*l.* each;

but, by the act of the government, the rest was remitted. Unless it was shown that these charters were injurious to the commerce of the kingdom, there was no ground for taking them away. To remove them would be, in fact, to interfere with private rights. It was stated, that parties wishing to effect insurances were not at liberty to go where they pleased. But, what bad consequences had resulted from this? Was it not perfectly easy to effect insurances either at Lloyd's coffee-house, or at the office of those companies? Such a measure as that now proposed would destroy Lloyd's coffee-house. He believed insurances were effected there at a much lower rate than at any other place, and that those who went there found ample accommodation for every species of insurance. It was not now a question, whether it was right or wrong to grant those charters originally. They were in existence; and they could not, without injustice, be abrogated, unless it was shown that they operated prejudicially to the commerce of the country. Other companies, such as the Bank, and the East-India company, had also paid for their privileges; but the two insurance companies stood in a very different situation, and could not, consistently with justice, be meddled with. Until a proper case was made out against them, he hoped the justice of the House would interpose to prevent this measure from being carried into effect.

Mr. Alderman Thompson said, that the hon. mover had complained that both at these insurance offices, and at Lloyd's great difficulty existed in effecting insurances; and in recovering the sums underwritten. But from the report of a committee of that House in 1810, it appeared, that no less than 681,800*l.* was insured on one ship at Lloyd's coffee-house, and that, too, at a very moderate rate. The number of persons at Lloyd's who were connected with marine insurances was no fewer than 1,500; and he believed the amount of property insured there was not less than 200,000,000*l.* They had agents in every part of the world, from whom they received important commercial intelligence which they published freely to all. Now, if the business of insurance were thrown into the hands of a few corporate bodies, would it not be their object to get the largest premium possible; and in pursuance of that object would they not endeavour to conceal all

information? The security would not be so good as at present; since each shareholder would only be responsible for the amount of his subscription. If there were a petition from the merchants of London in favour of such a measure, that would be some reason for introducing it; but, that not being the case, the measure being uncalled for, and one which was likely to be prejudicial to the commerce of the country, he should certainly resist it.

Mr. *Huskisson* expressed his regret that the subject was brought forward in the absence of the chancellor of the Exchequer, who, although his opinion was on record respecting the monopoly in the hands of the two chartered companies, yet ought to have an opportunity of hearing all that could be said by the opponents of the measure. The chartered companies in question must have been founded on this principle—that it was desirable to give the public a greater security by the incorporation of companies, than they could enjoy by the conduct of the business of marine insurance by individuals. The first question therefore was, whether this main purpose had been answered? What proportion of the business had these companies monopolized? It appeared by the report of the committee of 1810, that of the whole business of marine insurance, they carried on only four parts in a hundred. It thus appeared, that not only ninety-six out of one hundred were deprived of that better security which the charter contemplated, but were deprived of the ordinary security which they would have enjoyed, if the charters had never existed—because, in that case, the insurers would have had the higher security of partnerships and joint-stock companies. The result therefore was, that, although four out of one hundred had the higher security of a corporation, ninety-six out of one hundred were in a much worse relative situation than they would otherwise have been. The advantage being so small, and the disadvantage so great, it certainly was competent to the legislature to inquire by what mode a correction of the inconvenience might be effected. The law by which the charters were granted, specified, that if within thirty-one years after the incorporation of the two companies it should be thought desirable to dissolve them, two years notice should be given of such a determination, and they should be repaid the sum they had advanced, namely, 150,000*l.* each: after

which their charters should cease and determine, and never be revived. The law further declared, that if at any time after the thirty-one years, the charters should be considered injurious to the public interests, they should then be subject to be terminated, without any such payment. It was evident, therefore, that the companies had, at present, no claim for remuneration; and the only question was, whether it was consistent with policy, and with the benefit of the public, to continue their charters. There were four modes in which all commercial business might be conducted; by corporation, by partnerships, by joint-stock companies, or by individuals. Now, why was it that the business of marine insurance could be carried on advantageously only by the two extremes of these modes? A man applying to a respectable firm to insure his ship or cargo, would be told, “we cannot insure you collectively and as a partnership, but you may apply to any one of us individually for that purpose.” Where was the wisdom of such a regulation? He had the greatest respect for the gentlemen at Lloyd’s; they had always exhibited the most honourable conduct, and under circumstances of considerable difficulty had proved the character and resources of this country, in a manner highly creditable to themselves, and beneficial to the public. But, the question was, whether the interests of the public ought not to be attended to in the arrangement under consideration? It was said that that arrangement would destroy Lloyd’s coffee-house. Unquestionably, the public would go wherever they could get their business done in the best and cheapest manner. And why, he begged to ask, ought they not to be permitted to do so? All that he said was—let the parties interested suit their own convenience and wishes. If, as he conceived, they would prefer insuring with corporations to insuring with individuals, then the two corporations, respecting which so much jealousy had been expressed, would still be likely to transact, as at present, four parts in the hundred of the business done, although they would lose their exclusive privileges; for, although those privileges would be terminated, the general charter would remain. And, with respect to joint-stock companies, he begged leave to say, that anxious as he was for fair competition on this, as well as on all other commercial subjects, he

should not be disposed to grant to these companies exemption from being sued individually for the obligations which they might contract. In his opinion, his hon. friend had taken a right course in bringing the matter before parliament. It was not necessary for any persons desirous of the proposed alteration, to apply to the Crown, with regard to the charter. That charter would remain the same, with the exception of this single change.

Mr. Grenfell observed, that he did not stand there to justify the system on which such charters had been granted. He was a friend to liberal principles, but he stood there on the faith of an act of parliament. The two corporations in question had paid large sums of money for privileges, of which, he contended, they could not be deprived, unless by the king in council. This was the fourth attempt which, since his experience in parliament, had been made, and which he trusted would fail, as all the previous attempts had failed. In 1806, the *Globe Insurance* company brought in a bill upon the subject, which however was thrown out. In 1810, his hon. friend, the member for Taunton, had introduced another bill on the subject which had also been thrown out. In consequence of the report of a select committee, in 1811, a third bill had been introduced; and what was its fate? He (Mr. G.) had successfully moved its rejection; and in that effort had been seconded by Mr. Perceval, then chancellor of the Exchequer, by sir V. Gibbs, then attorney-general, and by sir T. Plumer, then solicitor-general, on the ground that the privy council, and not parliament, was the place to which application ought to have been made. In 1813, when the same parties brought the subject before the privy council, lord Ellenborough took so unfavourable a view of their case, that they did not venture to persevere; and from that time to the present, no stir had been made with respect to it. Now, under those circumstances it was, that the present bill was brought before the House. For himself, he had never compromised his principles upon any question; and therefore he felt himself bound to oppose a decided negative to the motion.

Dr. Lushington said, that according to the doctrine laid down by the hon. member, the question under consideration was one not to be decided by the House of Commons, but to be referred to his majesty's privy council. He would call

their attention to the manner in which the bill, chartering those two companies, had been framed 104 years ago. In the preamble of that bill it was stated, that "whereas several individuals had failed, &c., it was desirable that such companies should be formed," &c. Now, if it could be shewn, that only four parts in a hundred of the whole insurance business of the country was done by these companies, it was quite clear, that the act of parliament had failed to effect its object. The hon. gentleman supposed that the act of parliament gave these chartered companies exclusive rights for ever, unless some person went before the privy council and proved them injurious; but the legislature so far from having tied up its own hands, had been particularly careful, and had in fact fixed two modes of doing the same thing. If the present objections to the measure were to be pressed, what would be the consequence? Why, measures would be taken, by which that would be done out of the country which it was thus attempted to prevent being done within it. Under all the circumstances of the case, he felt himself bound to support the motion.

Mr. T. Wilson thought the present companies ought to be protected, unless it could be proved that they had been hurtful. He was of opinion there were but few insurances but what could be effected at the underwriters at Lloyd's, even without the two companies; and that at present the public had all the advantages of the respectable firms in the city; for either one partner signed for the others, or a broker at Lloyd's signed for the whole. With respect to the charge of 25 per cent by the broker, the hon. gentleman must be in error; for the charge was only 5 per cent. He thought there was nothing before the House to justify the assertion that these companies had been hurtful, and that therefore, under the words of the act of parliament, they ought to be protected. The proper mode would be, to move for a committee, to inquire if they had been injurious, or to refer it to some other competent tribunal.

The *Solicitor-General* said, that without pledging himself to any ulterior opinion upon this question, he felt it necessary to state that, in granting the charters in question, parliament never intended to tie up its hands, and deprive itself of the power of granting new charters under any circumstances.

Leave was given to bring in the bill. It was accordingly brought in by Mr. F. Buxton, and read a first time.

HOUSE OF COMMONS,

Tuesday, May 18.

DERRY CATHEDRAL.] Sir J. Newport, seeing a right hon. baronet in his place, begged to ask him, whether he was aware of the existence of any legal document to substantiate the claim of the bishop and dean of Londonderry, to certain lands, charged with the burthen of repairing the Cathedral Church of Derry.

Sir George Hill, in reply to the question, felt it due to his own character, to the sincere respect he entertained for the House, and not less his duty to his constituents, the citizens of Derry, to answer the right hon. member's question clearly, explicitly, and without reserve. He had brought a bill into parliament, on the petition of the bishop and dean of Derry, and the parishioners of the parish in which the cathedral of Derry was situated. The grounds of this proceeding were, that no fund, except assessment by vestry, existed for the support of that cathedral. Of this fact he had been assured: he urged this reason to the House for proposing the bill to create a permanent fund. He had not anticipated the successful opposition which had been made to the second reading of the bill; and in order to be prepared to satisfy the committee upon the bill, that no fund at present existed, he had directed searches to be made in Ireland, to ascertain whether there was any record of land, tithe, or other property, having at any time been granted for the support of the Derry cathedral. Subsequent to the rejection of the bill, he received information, which induced him to believe, that funds at one period had existed for the support of that cathedral. He had communicated that information to his right hon. friend, the secretary of state for Ireland, to the bishop, dean, and chief magistrate, of Derry, and had the satisfaction to be assured by the secretary for Ireland, that the subject should be fully investigated, with a view to doing justice to all parties. He must add, that he was quite confident, not only that every facility would be given to the inquiry, by the bishop and dean, but the most zealous assistance.

REPEAL OF THE LEATHER-TAX.] General Gascoyne, referring to certain evidence recently taken before the committee on the Hides and Skins bill, shewing, that if any, all the restrictions on the leather trade ought to be removed, asked if it would not be more expedient for the hon. member for Wareham to postpone his motion for the repeal of the Leather-Tax, at least for a few days?

Mr. Calcraft said, he had already provided himself with as strong evidence in favour of the repeal of the Leather-tax, as could be furnished by the report of any committee. He therefore felt it his duty to forward his promised motion. His object was, to move the repeal of the whole of the duty on Leather. Should it be adopted, it was his intention to give such ample time for the change, as to render the payment of no drawback necessary; and to enable persons who might be disposed to do so, to make arrangements for combining the trades of currier and tanner. He should move "for leave to bring in a bill, to repeal the duty on Leather, from a time to be limited," meaning that time to be the 5th of July 1825. He thought this a moderate and reasonable course. He had taken up this tax because he thought that, in the whole list, there was none more defective in principle, or more injurious in application. It was defective in principle, because it interfered with the profitable application of capital, and prevented the union of trades which, for the interest of the community, ought to be combined; and, it was injurious in application, because it contributed so little to the Exchequer, and took so much from the pockets of the public. In consequence of the restrictions rendered necessary for the collection of the tax, while it yielded little more than 300,000*l.* to the revenue, it took from the people a sum equivalent to three times that amount. An attempt had been made before the end of the war, to increase the produce of the tax by doubling it; but the experiment had failed; for the receipt of the revenue had been lessened, and if it had been persevered in, the trade would have been ruined. By raising the tax from three-halfpence to three pence per lb., ministers had expected to obtain 600,000*l.* but they were completely disappointed. It was clear then, that 300,000*l.* was the utmost the tax would produce; and, recollecting what it cost to collect it, it seemed mere

blindness to persevere in it. He could not help thinking that the present chancellor of the Exchequer, who had taken a more liberal view of financial questions than his predecessors, would admit, that he could find no ground on which to defend it. Why did this tax take so much from the pockets of the people? Because it was necessary to prevent men from combining two trades that ought to be united: the tanner could not touch the skin; he must tan it almost in the very state he bought it; and, what was the consequence of his being obliged to tan, without being able to curry? Out of 24,000,000 of lbs. tanned, not less than 6,000,000 were absolutely wasted. Who was to pay for this waste? The tanner and the currier could not be expected to pay for it, and the public must; so that, in this way, the loss to the public was 900,000*l*. Was this a sort of tax in which the House would persevere? The restrictions to which he referred, originated in the unenlightened times of Richard 2d and James 1st, and for this reason, if for no other, they ought to be scouted. The tax, indeed, was not imposed until the reign of queen Anne: but the impediments to the combination of trades began much earlier.—It was impossible upon this subject, to leave out the consideration of Ireland. The revenue to be derived from the tax there, could not exceed, as he understood, 40,000*l*.; and for this paltry advantage, the whole island was to be placed under the ban of the Excise. In fact, it offered a premium upon the bad manufacture of one of the most important articles used by people of all classes. Whatever became of the tax here, he conjured the House not to think of subjecting Ireland to it, for so paltry a consideration as it promised. He was aware, that he should not meet with that support which the principle and the expediency of the motion deserved. The friends whom he had met since he had given his notice, had told him as an objection, that nothing made of leather would be cheaper in consequence of the repeal; “will you,” said they “insure us that we shall have boots and shoes, saddles or harness cheaper, if you succeed?” He replied, certainly not; he would not promise that leather would be cheaper, but his persuasion was, that if the duty were taken off, and the restrictions on the trade removed, the commodity would, in time,

fall in price, and the public thus be benefitted. But, it was to be remembered, that when the duty was lowered from 3*d*. to three-halfpence per pound, the restrictions were continued, and those restrictions were infinitely more costly than the tax. The chancellor of the Exchequer had relieved the silk-trade from restrictions; but had silk fallen in consequence? On the contrary, the raw material was dearer, and the manufactured article, under such circumstances, could hardly be sold cheaper. What was wanted was, to give increased expansion and impulse to the trade? and it was impossible that men who had property in the country should not be benefitted by that expansion and impulse. The increased prosperity of any branch of trade and manufacture must tend to the advantage of the rest of the community. If tanners, silkmen, or curriers, carried on a beneficial trade, the proprietors of the soil, and all other owners of property, must participate in the improvement. His belief was, that if the duty were repealed, and the restrictions upon the leather trade followed the same course, in time all articles manufactured of leather would be obtained at a lower price. It was not fair to form an opinion from what had followed the repeal of the part of the tax imposed during war, because the restrictions, which were so injurious had been continued. He would only mention one passage in the evidence of Mr. Le Fos, who had been examined in 1816, and who was deservedly looked up to by the trade. The question put to him was “State in what way the restrictions and duty operate to the disadvantage of the tanner and of the public, and in your opinion to what extent?” His answer was, “It appears to me, that if the tanner were suffered to be a currier, he would be able to reduce the substance of many hides and skins he puts into work, and prevent the extension of the tanning principle and the payment of duty on an article which I humbly conceive to be worse than nothing.” The same witness went on to state, that “out of 24,000,000 of pounds of leather tanned, 6,000,000 of pounds was an entire loss to the public and to the tanner, and was equal to the whole of the revenue derived from the duty.” It thus appeared, that by the operation of the existing law, the tanner was compelled to apply the tanning principle, as Mr. Le Fos called it, to 6,000,000 pounds of a commodity which was worth

nothing. It had been said, that nothing was so easily obtained as a market-cross popularity, by motions for the repeal of taxes upon manufactures. It could not be asserted that, in this instance, he sought that species of popularity, and he did not care one farthing for the opinions of all the curriers and tanners in the kingdom. In point of reason and principle, on this question, he would rather be without their approbation; for, from the repeal of this tax, and of the restrictions consequent upon it, competition would be increased, and this was what the tanners dreaded. Small capitalists would be admitted into the trade: for the Excise was the protector of large capitalists, and the formidable enemy of the small traders. If his motion were adopted, the competition would be so great, that the public must receive the benefit of it, in the reduction of price. The hon. member concluded by moving for leave to bring in a bill "to repeal the duty on Leather from a time to be limited."

Mr. *Curteis* seconded the motion. By the repeal of this tax less injury would be done to the revenue, and more benefit to the public, than by the relinquishment of any duty upon the Statute-book. He recommended as a substitute, that a license duty, of 50% should be imposed upon tanners.

Mr. *Leycester* said, that one objection to the tax was, that it cut up our foreign trade, for it imposed restrictions which prevented all economy in the manufacture of leather, and the preventing economy raised the price, so as to shut out the foreigner from our market. It had the effect of driving capital out of the country; an effect which was strikingly illustrated in the town with which he was connected. There were formerly three tanners in that town who had considerable business. At present, there was only one tanner with an unimproved trade; the two others had gone to America, where they were now thriving, though they would probably have starved had they remained in this country. Another objection to this tax was, that it conveyed infinitely less into the Exchequer than it took from the pockets of the people. Could any thing be more repugnant to sound principles of legislation? A still stronger objection to this tax was, that it pressed with peculiar hardship on those who were least able to bear it. The poor man paid a most unequal proportion of the tax on his shoes, and the

farmer on harness for his horses employed in agriculture. It might be said, that though the repeal of the tax was desirable, the deficiency could not be supplied. To this he would reply, that it might be taken from the sinking fund, to the maintenance of which, he contended, the faith of parliament was not pledged. Let his majesty's government conciliate Ireland: the conciliation of that country would be instrumental to the reduction of British taxation. This, he contended, would be one of the most effectual means of mitigating the burthens of both countries.

The *Chancellor of the Exchequer* said, that the hon. gentleman who seconded the motion had thrown out a bait to him, by proposing a substitute for this tax; which substitute could not be resorted to without doing quite as much prejudice in one direction as it would do good in another. The hon. gentleman had suggested a license duty on the tanner to the amount of 50%, which would produce 175,000%. This would not go more than half way towards supplying what would be lost by the repeal of the tax. To supply the whole deficiency, the license duty must be 100%, and such an enormous duty would defeat the hon. member's purpose, by excluding all the small tanners, and throwing the whole trade into the hands of the large tanners. He could not therefore consent to repeal the tax on leather, under the hope of obtaining the same amount of money in the way recommended. As little did he feel disposed to impose higher duties on foreign bark, and other foreign articles employed for the purpose of tanning. Such a measure would be contrary to the principles on which he professed to act, and extremely prejudicial to the interest of the country, though it might give an additional value to the oak woods in Sussex and other parts of the country. He could not be tempted, therefore, by the allurements held out by the hon. member for Sussex, to acquiesce in the motion. He would state briefly his objections to the motion. It had been his lot, since he held his present office, to propose to parliament a reduction of taxes to the amount of four millions and a half. It was natural to suppose that, among the various objects of taxation to which he had directed his attention, the tax on leather was one. If they had already gone to the full extent in the repeal of direct taxes, or taxes affecting the consumption

and trade of the country, he had no difficulty in saying, that the tax on leather was one with which it would be very advisable to deal. He did not defend the tax. He did not know that any tax could be defended on principle; and he was sure that this was not one which could be so defended. He did not defend the principle of the restrictions; but the fact was, that the tax could not be levied at all, unless accompanied with those restrictions. He would ask, however, whether there were not in the system of taxation, a great number of other articles liable, in a greater degree, to the objection which had been urged by the hon. member; namely, that the duty was enormously high, as compared with the price and value of those articles. This was a state of things which, on every consideration, deserved the attention of parliament. A great deal had been said on the subject of the English distilleries. He had been told, that the good which had been effected by a reduction of duty, had been, in a great degree, counteracted by a corresponding evil on the borders between England and Scotland. This might be so; and he had little doubt was so. Evil must necessarily arise, where the duty on a commodity was extremely high, as compared with the value of the article, and as compared with the duty in different parts of the country. If he had 350,000*l.* at his disposal he should think it much more advisable to deal with this subject, than with that which had been brought forward by the hon. member. There were many other taxes, the repeal of which he thought likely to be more advantageous than that of the tax on leather. For instance, the duty on tobacco was 4*s.*, the price of the article being about 3*d.*; so that the tax was about 1,600 per cent. The consequence was, that this article, of all others, gave rise to the greatest degree of smuggling. If he were to undertake to repeal any tax in the next year, he should be much more disposed to repeal the tax on tobacco, than the tax on leather. The right hon. member for Waterford (sir J. Newport) was fully aware of the extent of the mischief which arose from illicit introduction of tobacco into Ireland. The moral evil was ten thousand times greater than any inconvenience which might be sustained by the community from the restrictions imposed on the manufacture of leather, in consequence of the tax on that article.—

There was another article, with respect to the tax on which the hon. member had, on more than one occasion, expressed a good deal of anxiety—he alluded to the tax on coals. Balancing this tax against the tax on leather, he thought it at least extremely doubtful, whether it ought not to have the preference, when they came to repeal either of them. He did not defend this tax as a good tax: it would be preposterous to say any such language; but he did say, that it would be most inconvenient for that House to resolve, first, that they would remit 350,000*l.* of taxation; and secondly, that they would remit the tax proposed by the hon. member, when there were other branches of taxation which required to be revised, at least as much as that to which his motion referred.—The hon. member had expressed some displeasure at the extension of the restrictions to the leather trade in Ireland. He regretted that he had been under the necessity of extending the restrictions to Ireland, in consequence of the tax having been evaded in the most shameful manner, and the tanners being almost under the necessity of making a bad article. It became necessary, for the interest and credit of the leather manufacture in Ireland, that the trade should be put under the same regulations and restrictions, as were applied to it in England, as long as the tax continued. The quantity of leather manufactured in Ireland had been very much diminished, and its quality very much deteriorated; and though he regretted that he was under the necessity of applying the restrictions to Ireland, it was impossible that those restrictions could put the tanning trade on a worse footing than that on which it existed at the present moment. He did not, however, support the restrictions because he approved of them in principle, but merely because they furnished the only means by which it was practicable to levy the duty. The question between him and the hon. member opposite was, in truth, a very short one. He was not combating the objections of the hon. member to the tax, but he felt himself under the disagreeable necessity of maintaining this tax; and even if he had elbow-room to enable him to remit 350,000*l.* of taxation in the next year, there were other taxes to which he should be more disposed to apply himself, than the tax which it was the object of the hon. member's motion to repeal.

Lord Althorp thought that one great

object would be, to clear away all restrictions. If that course were adopted, he was persuaded that the price of leather would be greatly diminished to the consumer. It was true that the price of leather was somewhat increased after a part of the duty had been taken off, but the rise in the price was to be attributed to the continuance of the restrictions. He agreed that, in general, it was not prudent that the House should pledge itself in one session to take off a tax in another; but as the repeal of the tax on leather would produce a great change in the whole trade, it was desirable that a long notice should be given to the parties interested in it.

Sir J. Newport entirely concurred in the necessity of the repeal of this tax, which drew from the pockets of the people a sum so much larger than it paid into the Exchequer. With reference to what had fallen from the right hon. gentleman respecting the extension to Ireland of these restrictions, he begged of him to consider what had been the progress of the leather tax in that country. Before the Union, the tax produced 51,000*l.*; whilst since the Union, with an immensely increasing population, and a considerable conversion of the country from pasturage to tillage, and consequently a much larger consumption of leather, the duty had diminished. And during this progressive reduction, the quality of the article had become worse and worse.

Captain Maberly said, that he had uniformly opposed what was called the sinking fund, believing it to be most prejudicial to the interests of the country. So long, therefore, as it was permitted to stand, he should be the advocate of a reduction of taxation to its amount. But, without touching this sinking fund, there was a mode of giving relief from this tax, without diminishing the present amount of revenue; and that was, by acceding to the motion of his hon. relation, for putting the tax upon beer on malt. That transposition would just save the amount which this tax covered, without diminishing the expenditure of the government. There was a special claim for reducing this tax. All taxes upon necessaries were declared to be bad by the ablest political economists. They tended to raise the price of labour, to diminish profit, and force capital to seek employment in foreign countries. This tax offended against one of the first maxims of taxation; for it produced only 300,000*l.* to the state, whilst it took 900,000*l.* from the

pockets of the people. It was said, that the trade of tanning was a monopoly, and that the tanners would put into their own pockets, as they had done before, the amount of the proposed reduction. He denied this. At all events, he had reason to believe, that, if there existed this monopoly, its scale of profit could not be what was insinuated; for, at this moment, when capital was seeking so many channels to get vent, there were numerous tanneries unemployed. At all events, the tax was so impolitic, that he should vote for its repeal.

Sir N. Colthurst said, he should vote for the repeal of this tax, particularly, as it was intended to extend to Ireland the restrictions which were found so injurious in England, and generally, because of the desire he felt to have the commodity as cheap as possible for the people of his own country.

Mr. Maberly entirely coincided in the reasons urged for the repeal, and thought the tax was one manifestly injurious to the public. He was particularly anxious to have all these restrictions abolished.

Mr. John Martin defended the sinking fund, to the maintenance of which he thought parliament stood pledged in honour. He entirely approved of the measures taken by ministers for the reduction of taxes, and could not therefore vote for the motion.

Sir J. Yorke expressed his astonishment that the chancellor of the Exchequer should have declared that he would sooner repeal the tax on tobacco, the use of which was so unnatural and which was offensive to the stomach, lungs, and nasal organs, than the tax on so necessary an article of consumption as leather, without which nobody could move. With respect to the effect of the reduction of taxation on prices, he must confess, that in the orbit in which he moved he had never had the good fortune to find any one article of consumption a jot cheaper. He would ask any gentleman who had a son at Eton or Westminster whether he found the slightest difference in the items of a tutor's bill. He should have been disposed to vote against the motion, had it not been for the statement, that while the tax on leather brought only 300,000*l.* into the Exchequer, it took 900,000*l.* out of the pockets of the people. Under such circumstances, he felt himself called upon to support the motion.

Sir G. Robinson supported the motion, believing the tax to be an impolitic one.

Mr. Secretary Canning thought it somewhat hard on his right hon. friend, the chancellor of the Exchequer, that he should be called upon to show, not only that every tax which he thought it expedient to maintain was not oppressive, but that there was something in it peculiarly amiable and lovely. His right hon. friend was called upon to show, not that the continuance of a tax might be necessary in a financial point of view, but that it was eminently delightful that such a tax should subsist among the institutions of the country. After his right hon. friend had laid before the House his view of the finances of the country, and that view had received the sanction of parliament, it was somewhat unfair, unless the House were disposed to rescind its former decisions, to call upon his right hon. friend to remit, in addition to all the reductions he had proposed, any tax which any honourable member might consider inconvenient or oppressive. This was the fourth or fifth motion of the kind which had been made, after the whole finances of the country had been brought under the consideration of the House. The repeal of the window-tax, the house-tax, the whole of the assessed taxes, and the tax on coals, had in this way been successively recommended to the House. His right hon. friend had candidly stated, that he did not defend this tax on principle; that he was not responsible for its imposition; and that he would be happy to propose its repeal, whenever he could do so consistently with considerations of paramount importance. He confessed that he felt some little difficulty in following the exact line of argument which had been taken by his hon. and gallant friend, who had been convinced in the course of this debate, and who intended to support the present motion, partly from his horror of tobacco, and partly from his love of cheap learning. His right hon. friend had declared, that he would rather repeal the tax on tobacco, than the tax on leather; not from any particular affection which he personally entertained for tobacco, for he was not aware that any part of his right hon. friend's person was polluted by that vegetable in the way his gallant friend had described; but because the tax on that article was greatly disproportioned to the value of the commodity, and consequently operated as a great encouragement to smuggling. His gallant friend had argued, that the tax on leather ought to be repealed, because the

price of education at Eton and Westminster had not been reduced in proportion to other reductions. He did not at first comprehend the exact scope of his gallant friend's argument; but he believed he must have meant, that though all were agreed as to the expediency of diffusing education, and making it as cheap as possible—though that object had been in a great degree promoted by committees of that House, and commissions—though the contents of books had consequently become cheaper, the binding had not been reduced in the same proportion [a laugh]. But, to speak seriously. This motion was at all events, premature; and, as such, would not, he trusted, be sanctioned by the House.

The House divided: Ayes 55; Noes 71; Majority 16.

List of the Minority.

Althorp, vis.	Johnson, W. A.
Anson, sir George	Langston, J. H.
Barnard, vis.	Lennard, T. B.
Barret, S. M.	Lethbridge, Sir T.
Becher, W. W.	Leycester, R.
Benyon, B.	Lloyd, J. M.
Bernal, Ralph	Maberly, John
Boughton, sir W. E.	Milton, vis.
R.	Monck, J. B.
Bright, H.	Moore, Peter
Browne, D.	Newport, sir J.
Cartwright, W. S.	Palmer, C.
Caulfield, hon. H.	Palmer, C. F.
Chaloner, R.	Pares, T.
Colthurst, sir N.	Pelham, J. C.
Cradoke, S.	Poyntz, W. S.
Curteis, E. J.	Proby, hon. G. L.
Davenport, D.	Pryse, Pryse
Davies, T. H.	Robinson, sir George
Dennison, W. S.	Rickford, W.
Ellice, Edward	Russell, Lord, J.
Fergusson, sir R.	Taylor, M. A.
Griffith, J. W.	Wells, J.
Guise, sir B.	Whitbread, S. C.
Gurney, R. H.	Wood, Matthew
Honywood, W. P.	Wyvill, M.
Hornby, E.	Yorke, sir Joseph
Hume, Joseph	TELLERS.
Hutchinson, hon. C.	Maberly, W. L.
H.	Calcraft, John

BANKING ESTABLISHMENTS IN IRELAND.] Mr. Dawson rose to move for leave to bring in a bill "to repeal the Act 29 Geo. 2. c. 16, for the regulation of Banking Establishments in Ireland." The object of the bill was, to repeal those acts which impeded the formation of banking companies in Ireland. The great want under which Ireland laboured at present was the absence of capital, to call

into activity the energies of the people. The introduction and employment of capital would be greatly facilitated, in his judgment, by the adoption of the measure which he was about to propose. In carrying on the common concerns of the country generally, the Bank of Ireland was inefficient; for to bills drawn in the country and made payable in Dublin, they gave no encouragement. Indeed, there was a regulation at the Bank, not to countenance any bills but those drawn on residents of the city. It would, therefore, be seen that country paper was not negotiable, unless the country trader had some resident agent in Dublin. Now, within the present month the Bank of Ireland had discounted bills of three months at 3 per cent; but country traders were obliged to pay $\frac{1}{2}$ per cent to their agents; consequently they transacted their business at a considerable disadvantage. When the Bank obtained their charter in 1782, a clause was introduced, preventing more than six partners in any banking concern. Various acts were subsequently passed, containing the same restriction; until, in the second year of the present king, an act was passed, the object of which was, to encourage the diffusion of capital; and in that act a clause was introduced, allowing persons in partnership to borrow any sum of money, provided it was not within 50 miles of Dublin. Now, he had a right to presume, that in that measure the Bank acquiesced. He should not, therefore, by his measure interfere in any way with the charter of the Bank.

The *Chancellor of the Exchequer* assured the House, that the subject had not escaped the notice of government, but had for some time been under its serious consideration. He had received, some time ago, a request from the merchants of Belfast to allow the formation of a joint-stock banking company in their town. He had referred it to the law-officers of the Crown, to determine how far any alteration in the existing state of the law respecting banking establishments in Ireland would affect the contract which existed between the public and the Bank of Ireland. He was not prepared to assert that many of the objects recommended were not attainable without a breach of that contract; but as he could not yet tell what the opinion of the law-officers might be, he could not give more than a limited consent to the proposition. If the law-officers should report that, to

accede to it would be against the public faith pledged to the Bank of Ireland, he should give it his decided opposition.

Mr. *V. Fitzgerald* did not think the population of Ireland to be so concurrent and unanimous in favour of this measure, as his hon. friend had represented it to be. In many parts of Ireland there were great objections to establishments of this nature, in consequence of the results which had followed from establishments somewhat similar. In the south and west of Ireland, these establishments, instead of being either able or willing to advance capital upon new speculations, had swallowed up the greater part of the capital which had been acquired by old and successful commercial speculators.

Colonel *Trench* expressed himself friendly to the object of this bill. Though it was a little irregular, he would take that opportunity of correcting a misrepresentation which had gone abroad, respecting what had fallen from him on a former night. A right hon. gentleman had quoted a Mr. Strickland, whom he stated to be an Irish landholder, as an example worthy the imitation of the other landholders of Ireland. He had risen to communicate to the House a point of which he was himself aware, namely, that Mr. Strickland was not an Irish country gentleman, but an agent appointed to superintend the embarrassed estate of a nobleman, who, from motives honourable to himself, had absented himself from the mansion of his ancestors. That nobleman had had the good fortune, and he would add the good sense, to place in the situation of his agent a gentleman whose example could not fail to produce a good effect. The nobleman to whom he alluded, as well as another nobleman to whom Ireland must always feel indebted—he meant the duke of Devonshire—had conferred a blessing upon their country, by substituting for their own presence, which they could not give, the presence, of such gentlemen as they had selected for their agents.

Mr. *Dawson* said, he was quite satisfied to leave the subject in the hands of the chancellor of the Exchequer, and would withdraw his motion.

MARINERS' APPRENTICES SETTLEMENT BILL.] Mr. *Curteis* moved the second reading of this bill.

Mr. *Monck* said, the bill was calculated to interfere with the law of settlements

already one of the most perplexing questions that came before the magistracy. He would, therefore, move as an amendment, "that the bill be read a second time that day six months."

Mr. C. Wilson seconded the amendment.

Mr. Hurst supported the principle of the bill, and thought the objectionable parts might be new modelled in the committee.

Mr. Bright said, the principles of the bill were so defective, and the rules on which it proceeded so contrary to law, that he felt it necessary to oppose the measure.

The Solicitor-General expressed his intention to meet the bill with a direct negative.

Sir M. W. Ridley said, that the bill was of the utmost importance to the maritime districts of the country. It would have the effect of overturning the law of settlement, so far as it regarded sea-faring individuals. It would operate a partial repeal of the law of settlement with respect to mariners' apprentices. It might, perhaps, be proper to alter the law regarding apprentices; but if that law were to be interfered with, it would be wiser to take the whole law of apprentices into consideration, instead of confining their views to the law of maritime apprentices only. He objected to the bill being brought in at that period of the session.

Mr. Bourne wished the bill to be postponed; but thought the settlement of the apprentice should be in the port where the ship was registered.

Sir E. Knatchbull felt that the law as it affected the settlement of mariners' apprentices required revision, but thought it would be better to remodel it in the committee, and then let it remain over till next session.

Mr. D. Gilbert said, there were under the law as it now stood evils that required correction. He, however, did not press its immediate adoption.

Mr. Curteis did not feel disposed to press the measure. All he asked for was, that it should be considered in a committee. If it was found impracticable, let it be abandoned. He was inclined to think that the port where the ship was registered ought to be made the place of settlement for the apprentices of mariners.

Mr. Fyshe Palmer observed, that if the place of register was adopted, it would be

subject to great difficulties. Suppose the port of London, where there were twenty parishes, how was the difficulty of the settlement to be settled? There was no one question which so embarrassed magistrates as the question of settlement.

Mr. Monck was so opposed to the measure in principle and detail, that he could not consent to withdraw his amendment.

The amendment was then carried without a division; and the bill of course lost.

HOUSE OF LORDS.

Friday, May 21.

GENERAL GAS COMPANY'S BILL.]

The Earl of Lauderdale, on the order of the day for the second reading, being moved, said, that he intended to move that this bill be read that day six months. Throughout the whole country, there was no place which had heard of the bill which had not petitioned against it. He objected to the general principle of giving such powers to any corporate body as this bill purported to convey. The granting of a monopoly of this kind would take away all the check which arose from competition. The most advantageous mode of supplying gas to towns would be, to allow those who had an interest in their being well lighted to become the contractors.

The Earl of Limerick supported the bill. It had, he said, been brought into the House of Commons on February, and no opposition was there made to the measure. The bill was, not to destroy competition, but to enable another company to enter into competition with those already established. Nor was it meant to injure other companies. An objection had been made to the bill, on the ground of its enabling the company, as a corporate body, to escape the bankrupt laws. He was authorised by those who introduced the bill to say, that they were ready to give up this protection; and were also willing that the name of any town where gas companies were established should be exempt from its operation.

The Earl of Rosslyn objected to the principle of the bill, as he must to all bills which went to establish joint-stock companies, without a very strong case being made out. He saw no necessity for the present company, and no prudence in establishing it, contravening, as it did, the principles of the common law, that when

any man engaged in trade, he was answerable to his creditors with the whole of his property.

The *Lord Chancellor* thought, that if their lordships understood the true state of the case with respect to this bill, it would be impossible for them to pass it. He was against the powers given to companies of this description; more especially when they were not incorporated by charter. There was a practice, with respect to speculations of this kind, which called loudly for some legislative prohibition. Persons formed schemes for the establishment of a company, and while they speculated on obtaining a charter, went into the market with shares which were sold at a given price, though they might, in the result, prove to be of no value whatever. This was a subject not undeserving of their lordships' attention: it was worthy of their consideration whether it would not be proper to annul, by a legislative act, all such contracts. The present bill was for the purpose of lighting all towns with gas, except London and ten miles round it. This measure, it seemed, had passed the House of Commons without opposition, which was very extraordinary: but that was no argument in its favour; for, the moment the public attention was called to it, numerous petitions were presented against it. The learned lord alluded to the circumstance which he had formerly noticed respecting the capital of the company. It was provided, that it should not exceed one million sterling; but how much it really was to be did not appear. In such cases persons subscribed certain sums; there was a name in one column of half a sheet of paper, and a certain sum in another: but the amount of the subscription did not show the state of the funds of the company, for their lordships were well aware that subscribing and paying were now-a-days two very different things. In going over the clauses of the bill, he saw none which afforded any efficient remedy against the company. There was one by which creditors might proceed to levy by distress; but the proceeding was one which would probably produce most distress to the creditor, for he would find nothing to carry away but a gasometer and inflammable air. It was said that the partners were to be made liable to the full extent of their subscription: but, how was the creditor to get at the parties? In these incorporating bills a clause was introduced,

providing that the company might sue and be sued by their treasurer. This was very well for the interest of the company; but of what advantage was it to any body to get a verdict against the treasurer, if he had no funds? He had, on a former occasion, proposed, with respect to these bills, that a clause should be inserted, enabling the person who obtained a verdict against the treasurer to levy the amount by distress on any individual partner, leaving it to that individual to seek his remedy against the company. He repeated his objection to the incorporation of any company, except by a charter from the Crown. In that case, if the company acted improperly, the Crown could at once put them down, by withdrawing the charter; but when they were established by act of parliament, it required the passing of another act to repeal the former, before any remedy could be applied to the evil. He did not mean to say, that there might not be cases in which it would be proper to pass measures similar to the present bill; but their lordships ought to be extremely cautious how they established companies, with powers which might prove seriously injurious to the interests of individuals.

The Earl of Lauderdale's motion was agreed to; and, of course, the bill was thrown out.

[SILK-MANUFACTURE BILL.] The Earl of Lauderdale, in moving the third reading of this bill, observed that the noble lord opposite had charged him with bringing in this bill at a time when all was peace and quietness in Spitalfields in consequence of the subsisting regulations. Now, the fact was, that one half of the work in Spitalfields was not regulated.

The Earl of Harrowby said, that some alteration had been made in the regulations respecting the narrow work, but there had been none as to the broad.

The Earl of Darnley could not object to the principle of the bill. He, however, thought that it was not prudent to press the measure at the present time, and therefore would not vote either way.

The *Lord Chancellor* was of opinion, that those who felt themselves most injured by the bill, did not rightly understand it. He was also of opinion, that the measure was premature, and that the arrangement which had been recently entered into ought not to be disturbed.

Their lordships then divided; for the

third reading—Contents 39; Proxies 22—Not-Contents 36; Proxies 19—Majority for the third reading 6. The bill was accordingly read a third time and passed.

HOUSE OF COMMONS.

Friday, May 21.

KENSINGTON TURNPIKE TRUST—PETITION OF MR. COBBETT.] Mr. Hume presented the following Petition:

The Petition of William Cobbett, of Kensington, in the County of Middlesex,

“Most humbly sheweth—That your honourable House have, since the first day of the present month, passed an Act for the more effectually repairing, widening, and improving the road from Hyde Park Corner to Counter’s Bridge, and certain other roads in the County of Middlesex, and for lighting, watching, and watering the said roads.

“That this act contained in its preamble, the following words, to wit:— ‘And whereas the Trustees, appointed by or in pursuance of the said two first recited acts, have repaired and improved the said roads, and have made great progress in carrying into execution the powers and authorities thereby vested in them, and although they have paid off and discharged part of the said monies borrowed on the credit of the Tolls authorized to be taken upon the said roads, a considerable sum still remains undischarged, and cannot be paid off, and the said annual sum of one thousand pounds he paid to the said Committee of Paving for St. George, Hanover-square; nor can the said roads be effectually amended, widened, improved, and maintained in repair, unless the term and powers granted by the said two first recited acts be continued, and further provisions be made for that purpose:’

“That the said act was sent by your hon. House to the right hon. the House of Lords; that it was read a first and second time in that right honourable House, and was then referred to a Committee; that the said Committee, after having examined witnesses for the Act, and after having also examined the accounts of the said roads, decided, that the preamble of the said act had not been proved; that, thus, the House of Lords declared not to have been proved that

which your honourable House had actually enacted as having been proved; and that their lordships did accordingly vote, on the 12th instant, that the said act or bill should be re-committed on that day six months. That the above quoted part of the preamble of the said act contained an unqualified falsehood; seeing that the Treasurer of the said road had a balance of upwards of four thousand five hundred pounds in his hands at the moment when he and the other petitioners of the bill (all of them Trustees of the road) were declaring to your honourable House that they could not, without a new act, pay off a debt of one thousand five hundred pounds; that your honourable House were, therefore, grossly imposed upon by the persons who petitioned for the bill, and by the persons who came before your Committee to prove the preamble thereof:

“That the Petitioners for the bill were—Samuel Everingham Sketchley, Chairman, George Vardy, Henry Rowed, William Forstein, Henry Wilmot, William Thornton, Richard Chase, Frederick Platt Barlow, John Groome, and George Barke; that these petitioners state in their petition, that they are Trustees of the said road; that the petitioner, S. E. Sketchley, states that he is the Chairman of the Trustees; that it was proved before the said Committee of the Lords, that he is also Treasurer of the said road:

“That all these petitioners ought to have known, and that the said S. E. Sketchley must of necessity have known, the true state of the pecuniary affairs of the said road; and that, nevertheless, they in their said petition make to your honourable House the following false statement, to wit, ‘That although the Trustees have proceeded in the execution of the said trust reposed in them with the utmost care and frugality, yet they find, from the great increase of expense for labour and materials for repairing the said roads, the produce of the Tolls at present authorized to be collected is not more than sufficient to enable them to pay the said annual sum of one thousand pounds, and the remaining debt due as aforesaid, and effectually to amend, pave, and drain the said roads and foot-paths, and keep the same in good repair, and to light, watch, and water the same, as required by the said acts, and to effect certain improvements on the said roads and foot-paths which are necessary, by widening the same, and otherwise for the convenience and safety of the public,

and to defray the several other expenses attending the execution of the said Act, and that, unless the present tolls are continued, and further powers given to the said trustees, the several purposes aforesaid cannot be effected?"

"Your humble petitioner prays your honourable House to observe the following facts:—

"1. That these petitioners here assert, that the produce of the present tolls is not more than sufficient for the purposes of the road; and that those purposes cannot be fulfilled unless the present Tolls be continued by a new act:

"2. That their own surveyor, Mr. Francis, declared upon oath, before the said Committee of the Lords, that the road might not only be kept in proper repair, but that many houses might be pulled down, and several streets widened, and yet, that the present tolls might be considerably diminished; an oath in direct contradiction to the allegation of the trustees in their petition to your honourable House:

"3. That the bill, as finally passed by your honourable House, does, in one of its enactments, make a considerable reduction in the present tolls; an enactment in flat contradiction to the preamble of the bill itself:

"Your petitioner presumes not to express an opinion with regard to the punishment due to persons who have thus knowingly and premeditatedly employed statements for the manifest purpose of imposing upon your honourable House, and of inducing you to pass an act, the principal enactments of which are at irreconcilable variance with the preamble, while the preamble is at open war with the truth; but, as the means of protection, for himself and others, against dangers such as that which they have now narrowly escaped, he prays that your honourable House will be pleased to adopt such measures as you, in your wisdom, shall deem most meet for effectually preventing similar impositions in future. And your petitioner will ever pray.

"WM. COBBETT."

Mr. Byng defended the conduct of the trustees, and contended, that there was no foundation for the charge against them; their only object being the improvement of the line of road under their superintendence.

Mr. Hume replied, that his hon. friend must be wholly ignorant of the matter;

since it appeared, that the trustees had practised the grossest falsehood. They had stated, that they were unable to pay their debt, at the very moment at which it was proved, that they had 4,500*l.* in their possession. No ingenuity could excuse such conduct.

Ordered to be printed.

SEIZURE AND IMPRISONMENT IN JAMAICA—PETITION OF L. C. LECESNE AND J. ESCOFFERY,] Dr. Lushington rose to present a petition to which he requested the attention of the House, and particularly of ministers of his majesty's government. If the facts alleged were true, there never was a case which called more loudly for their interference; not only with a view to do justice to the oppressed, but also to punish the oppressors. The petition stated, that the petitioners are freemen of colour, natives of Kingston, in the island of Jamaica, where they had constantly resided; that they were married to women, also natives of that island, and had each four children—that they were engaged in business as liquor-merchants—that they held the rank of sergeants in the militia, in which they have served since the year 1813; and that they possessed property in the island, consisting of houses, land, and slaves: that about the latter end of September last, the petitioners underwent an examination before certain magistrates of Kingston as to the proofs they possessed of being British-born subjects, when they produced, in support of that fact, the certificates of their baptism, and other necessary documents—that on the 7th of October following, petitioners were apprehended, and carried to prison, for the purpose, as they were informed, of being summarily removed from the island of Jamaica, as aliens, and dangerous persons; but a writ of habeas corpus having been issued, on their application to the grand court of the island, their case underwent a full and minute investigation before Mr. Chief-justice Scarlett, and the two assistant judges, Mills and West, on the 25th of the same month; and the sentence pronounced by the court was, that the petitioners were both British-born subjects, and as such entitled to their discharge, and to the enjoyment of all their privileges as British citizens. He felt it incumbent on him to state to the House, that these petitioners were not persons of no estimation, in a low line of life, or un-

known to the other inhabitants of the island; for their petition went on to state, that upon their subsequently appearing before the said chief-justice, they were attended by six freeholders for the purpose of giving bail. Upon that occasion, the chief-justice declined to receive the offered bail, on the ground, that he knew of no charges against them. That the petitioners were thus discharged, after a detention of 18 days, without any distinct communication having been made to them of the grounds of their imprisonment—that during their imprisonment, a memorial, bearing testimony to the general good conduct of the petitioners, was addressed to his excellency the governor, by thirty of the most respectable merchants and magistrates, of whom one was a member of the council, six were magistrates, and one was the provost-marshal general. Up to the time of their arrest, therefore, the House must be satisfied, that the petitioners were men of irreproachable character. After their discharge, the petitioners returned to their usual occupations with increased confidence of security, having thus received from the first judicial authority in the island, a full acknowledgment of their claim to the title of British subjects, and as they fully believed, to all the legal protection which belongs to that character. After what had passed, the House would experience as much surprise as the petitioners felt, when, whilst they were peaceably engaged in their private business, on the evening of the 29th of last November, their store or shop was surrounded by marshmen and constables, the petitioners were suddenly seized under an alleged order of his excellency the governor, on the same charge as that on which they had formerly been arrested, viz. that of being Aliens and dangerous persons—forcibly dragged from their families and homes, without being allowed time even to see their children, and hurried on board his majesty's guardship the *Serapis*. Nobody, he presumed, would say that this was such conduct as ought to have been adopted by a government founded on free and liberal principles. If the governor of Jamaica had felt it to be his duty to arrest the petitioners a second time, it would have been no less his duty to have the question of their guilt or innocence fairly investigated, and to examine the evidence which might be brought against them, before he ventured to decide that they were guilty, and sen-

tence them to so heavy a punishment. With what indignation, then, as well as astonishment, would the House hear, that without any such investigation, without affording the petitioners any opportunity of providing for their defence, or of communicating with their friends or relatives, they were, on the day succeeding that on which they had been seized, transported to St. Domingo, where they were landed. The petitioners stated this in the following terms:—"That the petitioners were assured at the time, by the alien officer who arrested them, that they would be allowed to remain ten days on board that ship, in order that they might communicate with the governor on the subject of their apprehension, and make the necessary arrangements respecting their property and mercantile concerns. That this promise, however, was not fulfilled; for, on their being taken on board the *Serapis*, so severe was the restraint imposed upon them, that they were not permitted to hold the slightest communication with their families (although they came alongside in a boat for the purpose), nor even to send on shore a letter of directions for the management of their affairs; but that on the following morning about four o'clock, they were removed from the *Serapis* to his majesty's ship *Helicon*, and immediately conveyed to Jacmel, in the island of St. Domingo. That on the arrival of the *Helicon* at Jacmel, they were, by the captain of that ship, turned ashore to shift for themselves, in a foreign country, in which, but for the kind assistance afforded them by certain British merchants resident there, they must have suffered the greatest distress." He (Dr. L.) was at a loss to conceive what excuse could be offered for so gross a violation of the rights of British subjects. It would not, he was sure, be said, in an English House of Commons, that because men were a shade darker than those who were born in our own climate, they were therefore to be deprived of the privileges which the constitution of Great Britain extended equally to her most exalted and her meanest subjects. After they were landed at St. Domingo, the fate which awaited them seemed to be at least as unhappy as that which had befallen them in Jamaica. They became immediately objects of suspicion to the government of Hayti, and were taken up again as aliens and dangerous persons. He held in his hand a Haytian Gazette, in which this

fact was stated; and if it had not happened, by good fortune, that there was on board the ship which had brought them a Jamaica newspaper, containing an account of their being first arrested in the latter island, and the proceedings on the habeas corpus, they would again have been doomed to the pain of imprisonment. Upon the evidence of this newspaper, however, the Haytian government released them, and they were allowed to remain under the protection, and indebted for the means of subsistence, to the kindness of some British merchants resident there. The petitioners went on to state, "that for treatment so severe, and so arbitrary, and so contrary not only to British law, and to the spirit of the British constitution, but even to the laws of Jamaica itself, no cause whatever has yet been assigned to them; and to the present day they have been wholly unable, although they have used many entreaties and much exertion for that purpose, to learn on what grounds or for what supposed offence on their part they have been subjected to such harsh and illegal punishment. That the circumstances attending their first apprehension in the month of October last, and the subsequent appointment of a secret committee of the House of Assembly of Jamaica to inquire into 'certain treasonable practices which were suspected to have had their rise in Kingston, and the parties immediately concerned in which were supposed to be foreigners, agents of Boyer, the President of Hayti,' have led the petitioners, in the absence of all direct and authentic information on the subject, to conjecture that their deportation must have been occasioned by the renewed efforts of secret enemies to fix on them the character of aliens and dangerous persons. That, however, of their being British subjects by birth, the petitioners had before furnished the most satisfactory proofs; while the entire consciousness they possessed of having on all occasions conducted themselves as peaceable and loyal subjects, rendered them perfectly ready to meet any legal trial to which they might be brought, and perfectly confident of being able to rebut any charge which might be preferred against them; but that this justice was denied to the petitioners. That on their arrival at St. Domingo, the petitioners lost no time in addressing a memorial to his excellency the governor of Jamaica, praying to be made acquainted with the accusations against

them, and confronted with their accusers; and to be allowed the opportunity of legally vindicating themselves; but that to this application no answer has been returned. That having waited in St. Domingo, in the expectation of such answer, until the month of March last, the petitioners determined, as their only remaining resource, to proceed to this country, and to solicit the protection of his majesty's paternal government, and of the British Parliament. That to this honourable House the petitioners do most humbly, but confidently, appeal, declaring most explicitly and solemnly, that they are wholly unconscious of having committed any offence whatever against his majesty's government, or of being chargeable with any conduct calculated to endanger the safety, or disturb the peace, of the island of Jamaica—that they have never held any correspondence with St. Domingo, or any other country than Great Britain, and that they have on all occasions discharged their duties as loyal citizens and subjects of his majesty. That the petitioners, besides being subjected to a great variety of heavy expenses, have to lament their ruined fortunes, their blasted prospects in life, and their distressed and impoverished families, in consequence of the unjust and illegal proceedings of which they have been the victims. That the petitioners, therefore, as men, as freemen, and above all, as British subjects, who have been deprived of that privilege which is never denied to the greatest criminals—that of not being condemned unheard—implore this honourable House to institute an inquiry into the premises which they are ready to establish by proof at the bar of this honourable House, and to grant them such redress, particularly in enabling them to return to their home, their families, and friends, as to the wisdom of your honourable House shall seem meet." He had stated the facts without exaggerating a single circumstance; and he did not at that moment intend to detain the House with many observations on the case. If these facts were true, the outrage which had been committed was so flagrant a one, that he was sure his hon. friend could not be prepared to justify it. If, on the contrary, the facts were untrue, he called upon the government to furnish the House with satisfactory proofs of their falsehood. He had himself seen, and examined, and cross-examined, the per-

sens by whom the petition was signed: he had sought information from others, as to the character of the petitioners, and in no respect had he discovered any thing which could induce him to doubt their credibility. He called, therefore, upon the government to explain to the House the reasons upon which this violent deportation of the petitioners had been resolved upon; and to state why they had been torn away from their homes, without notice of any accusation, and without time to provide for their defence. He called upon them to state, if they could, any circumstances which could justify the condemning a man without a trial, upon the same charge of which he had once been acquitted, and that totally unheard. Unless the most satisfactory explanation should be given, he should feel it his duty to call the serious attention of the House to the subject; and would not rest until he had rescued the character of the British nation from the foul disgrace of having participated in an act of such odious oppression as that which the petition detailed.

Mr. *Wilmot Horton* said, he was not able to meet the statement of his learned friend, for want of particular information, as to the several matters contained in the petition. All that his majesty's ministers knew was, that the petitioners had been complained of to the magistrates of Kingston as being aliens, dangerous persons to the government, and engaged in a treasonable conspiracy against it. It was true that the duke of Manchester had put the alien act in force against them. It seemed to be equally true, that they had applied for writs of habeas corpus, which had been granted. But, his learned friend had admitted, that if these men were aliens, the magistracy of Jamaica were empowered by law to remove them from the island. The question, then, first seemed to be, whether the petitioners were or were not aliens. As to what had been stated of the proceedings in the court of King's-bench, that was merely an ex-parte proceeding, and the affidavits upon which the decision of the court of King's-bench had been formed could not be received as conclusive evidence of the fact of the petitioners being British-born subjects. He was ready to allow, that if it should appear they were not aliens, the government of Jamaica had incurred a most serious responsibility, and one in which it could neither be countenanced

nor excused. But, it was evident, from the proceedings which had been adopted, that the duke of Manchester thought they were aliens. A committee had been appointed to inquire into the causes of the disturbances, and had reported the petitioners, not only to be engaged in a treasonable conspiracy, but also that they were intimately connected with the slaves who had been tried for rebellion, and to whom one of the petitioners had sold arms. These were points which required explanation. His learned friend had roused the feelings of the House by appeals to the British constitution; but the situation of the duke of Manchester ought to be recollected. There could be no doubt that a rebellion had existed against the government; and his grace was called upon to exercise every legal power that he possessed, which might tend to the security of the colony. He assured the House that every possible step should be taken to procure that information, without which it was obvious the House could not safely proceed.

Mr. *Brougham* was truly sorry that the hon. gentleman was not prepared with a fuller explanation, if not a contradiction, of the statements contained in the petition. From the information of which he was in possession, it appeared, however, that the governor of Jamaica had arrested two persons, whose alienship had come in question before the supreme court of judicature in that island. And here he begged to set the hon. gentleman right in one of the facts he had stated. The inquiry before the court was not an ex-parte proceeding. The duke of Manchester was there present, represented by his attorney-general, to examine the proof which was offered. It was in the discretion of the court to pronounce upon the arguments against, as well as for the parties accused. Upon that inquiry, however, the certificates of the baptism of these supposed aliens were produced, and proved that they were born at Kingston. The attorney-general's objections were heard; and the court resolved, that the petitioners were not aliens, but British-born subjects. After the lapse of a few weeks, during which the duke of Manchester had acquiesced in the decision of the court: he, having heard some other matters alleged against the petitioners, as he (Mr. B.) was bound in charity to suppose he had, ordered them again to be arrested, and sent away from the island without permitting them to receive the ad-

vice or assistance of friends, counsel, or agent; and consequently without affording them the possibility of again appealing to that court, before which, upon full discussion and after hearing evidence, their birth-rights had been established. This was his charge against the duke of Manchester—that he had done this after the decision of the court of King's-bench, and in the teeth of that decision. The duke of Manchester might be able to explain this. As he was in some measure now on his trial, he would not prejudice him; but he could not help feeling surprise, that his communications with his majesty's government had not furnished them with the means of contradicting (if they could be contradicted) the statement of the petitioners.

Mr. *Grossett* said, he had been informed by letters from Jamaica, that one of the petitioners (*Lecesne*) was supposed to be the person who had supplied the rebellious negroes with arms. It seemed that the negroes of the northern parts of the island had contributed money, as was supposed, for a missionary; but which was afterwards devoted to the purchase of about 20 stands of arms, conveyed across the island to the parishes of St. Mary and St. George; and there was at least a strong imputation against the petitioner that it was by him those arms had been furnished.

Mr. *W. Horton* explained, that between the first arrest and subsequent deportation of the petitioners, two facts had been established against them; first, that they were in truth aliens, notwithstanding what had appeared before the court of King's-bench; and, secondly, that they had been engaged in a treasonable conspiracy. The affidavits made in the first instance in favour of the petitioners might turn out to be false; and hence the court might have decided in error.

Mr. *Brougham* asked, if the duke of Manchester had obtained subsequent information, why the question had not been brought again before the court of King's-bench? Suppose the subsequent information were true, why had not the parties been tried? Why send them off without a moment's warning? If the accused had confessed all that was laid to their charge, did it authorise the governor to send them away without trial?

Dr. *Lushington* said, it was true that, on a subsequent trial in January, 1824, there was found a negro who stated that arms had been purchased of *Lecesne*.

The men were convicted, but he held in his hand a letter from the rector of the parish, in which he said, that he believed in his conscience that the slaves were innocent; further, that there had been a conspiracy of the grossest kind against them, and that *Baptiste*, the witness, was an emissary from St. Domingo, and one of the most murderous, diabolical, and insidious fiends that had ever been let loose on society. *Lecesne* was ready to take his trial before any judge or jury; he sought investigation and justice: and would not cover any offence imputed to him by evasion or falsehood. His hon. friend had mentioned circumstances that came out before a secret committee. Whatever those circumstances might be, it was impossible that they could justify seizing the petitioners and sending them to St. Domingo, not only without trial, but in absolute defiance of the decision of the court of King's-bench. If it should turn out that they were aliens, at least they had spent their lives in Jamaica, from their earliest infancy. How did it happen that ministers had no information? Did the duke of Manchester think he was justified in keeping the government at home in ignorance? Nothing even like an excuse had been attempted, and he called upon ministers to lay upon the table all the information they possessed relative to these individuals. If it were refused, he would submit a distinct motion for it on the earliest possible opportunity, and he pledged himself to prosecute the matter in every way, until the House arrived at some becoming determination.

Ordered to lie on the table.

WOOL IMPORTATION AND EXPORTATION BILL.] On the order of the day for going into a committee on this bill,

Mr. *Curteis* insisted that the bill aimed a severe blow at the agricultural interest. The measure was the first-fruits of the new school of philosophy which had lately sprung up respecting free trade. All that he desired on the part of the agricultural interest was, that they might be protected against an inundation of foreign wool. He would therefore move, "that the bill be committed on that day six months."

Mr. *S. Wortley* considered the principle of the bill to be ruinous to the agricultural interest. He was sorry to see that great interest neglected by gentlemen who were led away by their love of spinning-jennies. It was equally the interest of the manu-

facturing and the agricultural class not to allow the exportation of wool.

Alderman *Thompson* protested against the exportation of wool.

Mr. *Benett* wished the duties on the importation and exportation of wool to be equalized.

Mr. *T. Wilson* thought it unwise to allow the exportation of long wool to countries which showed no disposition to make concessions on matters of trade to us. Every pound of wool exported would be mixed with three or four pounds of other wool, not the produce of this country.

The *Chancellor of the Exchequer* said, that the principle of the bill was; first, whether the duty on the importation of wool should be reduced at all; and secondly, whether the exportation of wool should be allowed at all. He had fully explained the principle of the measure in February last, and his right hon. friend (Mr. *Huskisson*) had afterwards gone over the same ground. Under these circumstances, he thought it would be most advisable to go into a committee, where the details of the measure might be discussed.

Lord *Milton*, from all that he had been able to collect on the subject, considered it one of the wisest measures that could be adopted. Those who represented the agricultural interest in that House took an erroneous view of the question. He believed that the free importation of wool into this country would be attended with the most beneficial results.

Sir *G. Shiffner* supported the measure, and wished the landed and manufacturing interests to go hand in hand.

Mr. *Hart Davis* contended, that the measure was both partial and unjust. If the exportation of long wool were permitted, the manufacturers of Germany would soon rival us in the manufacture of it. Indeed, several large orders for it had been already transmitted to this country from Germany, under the idea, that the laws prohibiting the exportation of this kind of wool would be immediately repealed.

The House having resolved itself into the committee,

The *Chancellor of the Exchequer* said, he should confine himself to making such observations upon each of the clauses of the bill as appeared necessary to him. His proposition was, to repeal the import duty of 6*d.* per lb. on wool, after the 10th of

September; then to re-enact a duty of 3*d.* per lb. from that time to the 10th of December, when he would again reduce it, and leave it at the rate where he intended that it should remain. That part of the subject he should, however, discuss in another clause. He would now merely propose to fill up the first blank in the bill, with the words, "10th day of September, 1824." The hon. member for *Sussex* had given as a reason for his hostility to the measure, that he was not inclined to tamper with the long-established practice of our ancestors in imposing these duties. The hon. member was, however, mistaken in his facts. These duties were not the established practice, but an innovation on the established practice of our ancestors. The duty of 6*d.* per lb. on imported wool never existed until 1819; for, up to that time, it had only been 1*d.* per lb. Under that small quantum of duty the wool trade had greatly flourished; and, indeed, within the last quarter of a century, the growth of wool itself had much increased. He therefore trusted, that the committee would concur in the propriety of the reduction—a reduction which was equally conducive to the interest of the grower and the manufacturer. With regard to the time at which this reduction of duty was to take place, there was nothing either partial or unjust in that which he had selected. The two dates with which he intended to fill up the blanks of this bill, were the very dates which had been recommended to him by the committee of wool-manufacturers.

Mr. *Bright* complained, that the port of *Bristol* did not contain sufficient room for the warehousing of bonded wool, and called upon the chancellor of the *Exchequer* to frame a clause, which would make a distinction between wools in bonded warehouses, which had not paid the duty, and which would therefore come out duty free, and wools, which, being in merchants' warehouses, must have paid the duty, and must consequently subject the owners of them to loss, if their case was not specially considered. He contended, that the chancellor of the *Exchequer* ought to pay back the duty upon such wool as was unsold in merchants' warehouses, on the days mentioned.

Mr. *Hart Davis* contended, that gross partiality had been shown to the silk-trade, and gross neglect to the wool-trade, though it was the great staple of the country. 500,000*l.* had been conceded to the

silk-trade; but the only concession made to the wool-trade was, to have all the burthens under which it laboured continued for five months longer. He hoped the chancellor of the Exchequer would shorten the time, and give a drawback to the manufacturer, upon all the wool he should then have in hand.

Mr. *Benett* contended, that if the chancellor of the Exchequer consented to give the manufacturer a drawback upon the wool which he had on hand, he ought also to give the farmer a drawback upon the wool which he had on his sheep's back, and the linen-draper a drawback upon all the manufactured wool he had in his shop.

Mr. *Curteis* hoped that the chancellor of the Exchequer, if he determined to repeal these duties, would not allow a drawback. He considered the manufacturers not to be at all entitled to it.

The clause was agreed to. On the clause for repealing the prohibition of the export of wool.

The *Chancellor of the Exchequer* said, he considered this clause to be consistent with sound policy, and to be absolutely necessary to placing the trade of the country upon a sound principle. The 10th of December was the day which he had fixed for the cessation of these laws, being the same day on which he intended that the minimum of import duty should commence.

Mr. *W. Whitmore* felt persuaded, that if the principle of the proposed clause was carried into effect, it would give origin and support to a most beneficial trade, the advantages of which no man could anticipate. He meant the export of woollen yarn. The superiority of this country in machinery would give a strength and extension to that branch of manufacture which would be felt throughout the great interests of our agricultural and commercial system. The government of this country were proceeding on such sound and enlightened views, that he sincerely hoped the House of Commons would afford its concurrence, in order to enable them to carry into effect these propositions. There was, however, one mistake rather general through the House and the country, on which it was necessary that the fullest inquiry should be made, in order to correct it. It was assumed, that the prosperity of the woollen manufacture was owing to the prohibitory system; particularly of the exportation of the long wool. What did the history of

that manufacture disclose? The woollen manufacture, considering all the circumstances of the period, was in a state of great prosperity in the reign of Elizabeth; and yet, at that period, there was no prohibition of the export of wool of any kind in that reign. It was depressed in the following reigns, from a variety of circumstances; but the greatest depression was in the reign of Charles 2nd. The manufacturers of that period, like the manufacturers of all periods, feeling the depression, were disposed to find a cause for it in the permission to export the home growth. The 12th of Charles 2nd was passed, and the prohibitory system commenced. Did that measure relieve the manufacturer? No such thing. The trade suffered a great depression notwithstanding the prohibition. That depression continued to the Revolution. What was then the deduction from the actual events? It was, that during the reign of Elizabeth, when there was no prohibition of export, the trade was prosperous, and that when the prohibitory system was acted upon, the depression was increased. The flourishing state of the manufacture did not, therefore, depend upon a prohibitory system. But, independent of the particular advantage that he was persuaded would flow from that measure, he rejoiced in the progress of the principle. He sincerely hoped, that the success that would arise in this instance would encourage his majesty's ministers to extend the principle to its fullest extent; and he could assure them, that by so acting, they would confer the most lasting benefit on their country, and not alone on their country, but on the world; and prove themselves the most wise and useful men, that in the whole of our history ever held the reins of government [hear, hear]!

Mr. *T. Wilson* said, he had listened with some impatience to hear a single argument in favour of the export of long wool. Indeed, it would be somewhat difficult to prove to the conviction of any man, that an article of home growth, essential to our own manufactures, and the whole of which was thus employed, could beneficially be sent to foreigners.

Mr. *S. Wortley* asked, whether any gentleman in that House, having the feelings of an Englishman, would stand up and say, that this country, having a raw material by which she was enabled to supply the world with a particular fabric, should give that article up without re-

ceiving any reciprocal advantage? He denied that this proposition had any thing to do with the question of free trade. Free trade must rest on reciprocity, and here there was none. It was said, that this measure would be advantageous to the agricultural interest. This, he denied. Every pound of long wool enabled the manufacturer to work up a certain quantity of inferior fine wool; and, if the long wool were exported, the inferior fine wool must necessarily be reduced in price. The foreigner had plenty of inferior fine wool: all he wanted was the English long wool; and the moment he got an opportunity of purchasing that article, he would become the rival of our manufacturers. Who complained of the price and value of this long wool? Surely no hon. member would deny, that of all agricultural productions long wool was the most valuable for its price. Any land on which long-woolled sheep could be reared was valuable, and amply repaid all expenses. The foreigner had endeavoured to cultivate this description of wool, and to drive out that of finer quality. He had failed, however; and, were we to assist him in effecting this object? Some gentlemen were favourable to the exportation of yarn formed from this wool; but, to that he also objected. The manufacturers abroad were not, at present, ready with machinery to work up this wool, but they were perfectly ready to make use of the prepared yarn. Therefore he did not wish to have this article exported. If exportation were at all allowed, it should be at such a rate of duty as would give a decided preference and protection to the English manufacturer; and he looked upon the proposed duty of 1*d.* per lb. as no protection whatever. He hoped, if this measure were carried, that his constituents, the manufacturers, would find they had not formed a wrong estimate of its effects; but he feared the contrary would turn out to be the case.

Lord Milton said, that in his opinion, all classes would ultimately reap advantage from the measure. His hon. colleague objected to the measure, because he saw no reciprocity in it; since other countries did not show any disposition to extend to us the measure of liberality which we were about to extend to them; but, surely, there was not a merchant who would send any valuable commodity abroad, without bringing home something valuable in return. Thus it was that

commerce was best supported. Therefore he would say, that this country was right in not making particular commercial treaties on particular points; because he was convinced that reciprocity of benefit was much better secured without resorting to that obsolete mode. So long as there were capital, industry, skill, and enterprise amongst our manufacturers, they would never allow foreigners to come and buy the wool out of their mouths. If ministers proceeded in the way now proposed, they would get rid of the whole body of absurd laws which, so far from fostering the wool-trade, actually cramped and fettered the growth of wool. He was sure, that, but for those laws, the growth of wool would have been raised to a much higher pitch than it had attained. He had always opposed those laws, because they cramped the growth of this article, upon which the woollen manufacturer must necessarily depend for his prosperity. For that reason, and because he was thoroughly persuaded that the present moment was a proper one for making the alteration, he should support the clause.

Mr. C. Grant said, that in adopting this measure, they were not departing from the ancient policy of this country, but were again returning to it. Until the period of the Restoration, it had been the almost invariable policy of this country to allow wool to be exported, on the payment of a trifling duty. It was true, that at times prohibitions were introduced—sometimes to annoy sovereigns with whom we were at war, and at others, to allow our own sovereign to increase his private resources. But it was asked, why the regulation should be changed? Now, he contended, that the weight of proof rested with the gentleman who opposed this opening of the trade. Could any one reason be adduced for continuing the present system, except that stated by the hon. member for Yorkshire, that there was something so peculiar in the soil and climate of this country, that here only the long-woolled sheep could be reared? But, this was a fallacy. Twenty or thirty years ago, sheep, which it was supposed could only thrive on particular soils, had been reared on soils of a very different description. At one period, it was the general conviction, that the fine wool of the Spanish sheep could not grow in any country but Spain, and it was even asserted, that the long and painful journeys taken by those animals was essential to the excellence of

their fleece. But the contrary had since been manifest; and, under every possible variety of climate and circumstance, in every part of Europe, they would now find wool of equal excellence. Nine years ago, an agricultural writer of eminence stated, that he had discovered in France, a flock of sheep of the Lincolnshire breed. If this was the case—if the animals were thus sent abroad and thrive there—what was the use of those laws? How came it that they were not effective? This was a question that rested, not on any doctrine of reciprocity, but on its own exclusive merits.

The committee divided; Ayes 180: Noes 20.

COMBINATION LAWS—RESOLUTIONS OF SELECT COMMITTEE ON ARTISANS AND MACHINERY.] Mr. *Hume* brought up the Report of the Select Committee on Artisans and Machinery. In moving that it be printed, he said, that the committee had directed their attention chiefly to the subject of the combination laws, to the permission to artisans to quit the country, and to the permission to export machinery; upon which they had come to the following resolutions:—

1. "That it appears, by the evidence before the committee, that combinations of workmen have taken place in England, Scotland, and Ireland, often to a great extent, to raise and keep up their wages, to regulate their hours of working, and to impose restrictions on the masters, respecting apprentices or others whom they might think proper to employ; and that, at the time the evidence was taken, combinations were in existence, attended with strikes or suspension of work; and that the laws have not hitherto been effectual to prevent such combinations.

2. "That serious breaches of the peace and acts of violence, with strikes of the workmen, often for very long periods, have taken place, in consequence of, and arising out of the combinations of workmen, and been attended with loss to both the masters and the workmen, and with considerable inconvenience and injury to the community.

3. "That the masters have often united and combined to lower the rates of their workmen's wages, as well as to resist a demand for an increase, and to regulate their hours of working; and sometimes to discharge their workmen who would not consent to the conditions offer-

ed to them; which have been followed by suspension of work, riotous proceedings, and acts of violence.

4. "That prosecutions have frequently been carried on, under the Statute and the Common Law against the workmen, and many of them have suffered different periods of imprisonment for combining and conspiring to raise their wages, or to resist their reduction, and to regulate their hours of working.

5. "That several instances have been stated to the committee, of prosecutions against masters for combining to lower wages, and to regulate the hours of working; but no instance has been adduced of any master having been punished for that offence.

6. "That the laws have not only not been efficient to prevent combinations, either of masters or workmen; but, on the contrary, have, in the opinion of many of both parties, had a tendency to produce mutual irritation and distrust, and to give a violent character to the combinations, and to render them highly dangerous to the peace of the community.

7. "That it is the opinion of this committee, that masters and workmen should be freed from such restrictions, as regard the rate of wages and the hours of working, and be left at perfect liberty to make such agreements as they may mutually think proper.

8. "That, therefore, the statute laws that interfere in these particulars between masters and workmen, should be repealed; and also, that the common law, under which a peaceable meeting of masters or workmen may be prosecuted as a conspiracy, should be altered.

9. "That the committee regret to find from the evidence, that societies, legally enrolled as benefit societies, have been frequently made the cloak, under which funds have been raised for the support of combinations and strikes, attended with acts of violence and intimidation; and without recommending any specific course, they wish to call the attention of the House to the frequent perversion of these institutions from their avowed and legitimate objects.

10. "That the practice of settling disputes by arbitration between masters and workmen, has been attended with good effects; and it is desirable that the laws which direct and regulate arbitration, should be consolidated, amended, and made applicable to all trades.

11. "That it is absolutely necessary, when repealing the combination laws, to enact such a law as may efficiently, and by summary process, punish either workmen or masters, who by threats, intimidation, or acts of violence, should interfere with that perfect freedom which ought to be allowed to each party, of employing his labour or capital in the manner he may deem most advantageous."

Artisans.—1. "That it appears, by the evidence before this committee, that notwithstanding the laws enacted to prevent the seduction of artisans to go abroad, many able and intelligent artisans have gone abroad to reside, and to exercise their respective arts, in foreign countries; and that it is extremely difficult, if not impossible, in this country, by any mode of executing the present laws, or by any new law, to prevent artisans, who may be so determined, from going out of the country.

2. "That although the penalties which the laws inflict on artisans who disobey them, are not distinctly understood by the workmen, yet an unfavourable opinion is generally entertained by them, of the partial and oppressive operation of these laws, as preventing them from taking their labour and art to the best market, whilst all other classes of the community are permitted to go abroad, and to take their capital with them, whenever they think proper.

3. "That it appears also by evidence, that many British artisans residing abroad have been prevented from returning home, from an erroneous opinion that they have, by going abroad, violated the laws of their country, and consequently incurred penalties under them.

4. "That, in the opinion of this committee, it is both unjust and impolitic to continue these laws; they therefore recommend their entire repeal, and that artisans may be at liberty to go abroad, and to return home, whenever they may be so disposed, in the same manner as other classes of the community now go and return."

Machinery. "That the committee have examined evidence respecting the export of machinery, which will be found in the appendix; but they are of opinion, that further inquiry, and a more complete investigation, should take place, before this important subject can be satisfactorily decided on; and they therefore recommend, that the consideration of this import-

ant question should be resumed in the next session of parliament. That the chairman be instructed to prepare bills, to carry the objects of the above resolutions into effect, and to ask leave of the House to present the same."

NEW COURTS OF JUSTICE—PETITION OF MR. SOANE.] Mr. *Littleton* presented a petition from Mr. Soane, the architect, complaining, that an undue responsibility had been cast upon him, respecting the design for the new buildings in Palace-yard, and also that the arrangements which he had provided for those engaged in the new courts of law, would be rendered, in a great degree, nugatory, if the recommendation of the late committee were carried into effect. Mr. Soane stated, that by order of the lords of the Treasury, he made a survey for the new buildings in Palace-yard, in 1821, and sent in his plan to the Treasury soon after. That it was then referred to the judges of the respective courts, and, after some alterations, adopted in consequence of that reference, ultimately approved of by the lords of the Treasury, and ordered to be carried into effect. Mr. Soane was therefore anxious, for his own professional reputation, that it should be known that he had gone on, step by step, under the sanction of the lords of the Treasury; and with reference to the recommendation of the late committee, he had to point out, that if that were carried into effect, and particularly in the erection of what was called the Tudor tower at the corner, all the arrangements which he had provided for a law library, for barristers, and attornies, as well as for the judges themselves, would be impeded and rendered useless.

Mr. *Scarlett* thought the exterior of the new building was a disgrace to the national taste, and ought to be taken down. He suggested, that the old bail court of the duchy of Lancaster might be rendered more commodious and available for some of the accommodations required by Mr. Soane, in the place of other arrangements which he contemplated.

Mr. *Bankes* wished to know if the hon. member meant to refer this petition to a select committee.

Mr. *Littleton* replied in the negative, and said, that if he had been in the House when the late select committee was appointed, he should have opposed it; for he did not think that the public interests

were likely to be promoted by this mode of shifting the responsibility respecting public works, from the executive to private and irresponsible individuals.

Sir J. Yorke said, that Mr. Soane's petition clearly showed, that he had acted under the authority of the lords of the Treasury.

The *Chancellor of the Exchequer* said, he certainly entertained doubts of the propriety of a part of the plan, but still it should be recollected, that the object uppermost with the government was the speedy erection of courts for the due despatch of public business. As to the question of taste, where no two persons could be brought to agree upon one point he would not pretend to give an opinion. It was due to Mr. Soane to state, that the lords of the Treasury had sanctioned his design.

Mr. *Denman* admitted that external propriety was a matter of great consequence as connected with the national taste. It was highly important, however, when they were considering this matter, to reflect upon the vote of 300,000*l.* for repairing Windsor Castle. When they were informed, that the present lords of the Treasury, many of them persons of distinguished taste, sanctioned the new buildings in Palace-yard, which the moment they were seen, excited a public call to have them taken down, it was important for them to consider what might be the fate of that most beautiful building in the country, Windsor Castle. He should like to see an estimate; 1st, for the new buildings in Westminster Hall; then for pulling them down; and lastly, for rebuilding them, as an example for those who were to be engaged in the new works at Windsor.

Ordered to lie on the table.

HOUSE OF LORDS.

Monday, May 24.

RESTORATION OF FORFEITED PEERAGES.] The Earl of *Liverpool* said, he rose, in obedience to his majesty's command, to lay on their lordships' table several bills for restoring the honours of some noble families which had been forfeited by attainder. In that visit which his majesty had graciously been pleased to make to Scotland, which had never before been visited by any sovereign of his house, nor indeed by any sovereign on the throne, since the Revolution, it was natural that

those persons whose ancestors had been attainted, but who were themselves conscious of irreproachable fidelity and unshaken loyalty to the illustrious house of Hanover, should humbly petition his majesty to be restored to those titles and honours which their ancestors had possessed. Nor could it be thought extraordinary by those who were acquainted with the benevolent disposition of his majesty, that he should lend a willing ear to the petition. But, before the prayer of the petition could be adopted some consideration was necessary; and it was only now that these bills could be laid on their lordships' table. The bills included four persons; and it was not necessary for him to state the circumstances which led to the selection. It could not, however, be denied, that it was in the discretion of the Crown to decide if any, and what cases should be selected; and the reading of the names would satisfy their lordships, that in the selection there was no disposition to proceed on any narrow or party principle. It was material to state that these acts were entirely acts of grace and favour. No consideration should induce him, in bringing in these bills, to throw any doubt on the justice or propriety of the original attainder. He was induced to say this, because on the last case, there might be some doubts as to the propriety and justice of the decision. Having said thus much on this point, he would confess that he felt great satisfaction, that he was also commanded by his majesty to present their lordships with a bill for doing an act of justice. To those bills already mentioned, he had to add another, for reversing the attainder of lord Stafford, signed, like the others, by the king, and proceeding from the Crown. Their lordships must agree with him in thinking this was only an act of justice; for that attainder was the greatest blot on our history. He felt great satisfaction that he had to perform this act of justice, at the same time with an act of grace and favour. The noble earl then moved the first reading of a bill to restore John Francis Erskine to the honours of earl of Mar; a bill to restore John Gordon, esq. to the honours of earl of Kenmore; a bill to restore James Drummond, esq., to the honours of earl of Perth, and lord Strathallan.

The Earl of *Lauderdale*, on hearing the last bill read, observed, that this was a measure with regard to which considerable doubts must arise. It would probably

be found to be a question whether the person whose attainder it was proposed to reverse was lord Strathallan. The bill might be found to be a misnomer, and it would therefore be proper to have the opinion of the judges as to who was lord Strathallan.

The Earl of Radnor thought, that the first thing to be done should be, to lay on the table the document on which the attainder was founded.

The Earl of *Liverpool* assured their lordships that the course of proceeding he had adopted was perfectly regular. If they agreed to the bill at all, it was necessary that it should, in the first instance, be brought down signed by the Crown. They would afterwards have opportunities for the full consideration of the measure.

The Lord Chancellor said, it was not necessary to produce any documents of the kind to which the noble earl had alluded, as the act of parliament by which the attainder had been effected was recited in the bill.

Lord Holland said, he would always give every kind of encouragement to bills of this description. In the course of the further proceedings, it would be for their lordships to take care that due attention was paid to all the questions of law which the measure might involve.

The Earl of *Lauderdale* had merely risen to make their lordships aware of the nature of an objection which might be brought forward at another time.

The Earl of Radnor still considered the proceeding a very extraordinary one, and suggested that the bill should be printed.

The Earl of *Liverpool* presented a bill for restoring William Nairn, esq., to the honours of lord Nairn, and moved that it be read a first time.

The bills were read a first time; as was also a bill for the reversal of the attainder of lord Stafford.

ENGLISH CATHOLICS RELIEF BILL.]

The Marquis of *Lansdown* rose, to move the second reading of the two bills which he had introduced for the relief of his majesty's Roman Catholic Subjects in England. However sensibly he might feel the difficulty of the task he had undertaken, he knew that he might rely on the indulgence of their lordships. He must also observe, that he viewed the circumstances under which he now brought for-

ward the measures he proposed for their lordships' adoption, as presenting a very favourable omen. He had the satisfaction on the same night on which he proposed to remove the disqualifications under which English Catholics laboured, to see an act of injustice which had been done to a Roman Catholic family reversed. That act of glaring injustice, their lordships knew had been committed by a Protestant parliament; and it was an act, every recollection of which he could wish to be for ever obliterated. In bringing forward the measures which he felt it to be his duty to recommend, he did not wish to address himself to those who might be disposed to indulge in feelings of hostility to all doctrines which they did not themselves profess—who would resist every concession, every act of justice, not because it was dangerous, but because it was to be exercised in favour of persons of a different faith from their own. To persons who indulged in such feelings he should address no arguments, because no arguments could have any weight with them. He should rest his case upon one single ground. What he meant to establish by his argument was simply this—that every individual, whatever were his opinions, was entitled to every privilege enjoyed by other subjects, unless it could be shown that the giving him such privileges would be contrary to the safety of the state. But, when the granting of such privileges could be proved to be perfectly reconcilable with the public interests, then it became more especially the duty of their lordships to take care that they were not withheld. Having said thus much, he should proceed to explain the nature of the measures he had introduced. The two bills had one common object; namely to place as nearly as possible the Roman Catholics of England on the same footing, with respect to privileges, as those of the same faith, who formed the great majority of the population in a principal part of the united kingdom. This was his general object; he said general object, because there were some exceptions, the most material of which related to one particular office. That office he had thought it proper to except, because there existed no parallel to it in Ireland. When, with the common concurrence of all parties, their lordships were legislating for the purpose of assimilating the laws of every division of the united kingdom—when they were desirous of extending the bles-

sings of trial by jury to every part of the country—when it appeared to be thought desirable to place all his majesty's subjects in the same condition, it was difficult for him to conceive what distinction could be drawn with respect to the principle of these bills, the sole object of which was to entitle his majesty's subjects to enjoy in one part of the country what they already enjoyed in another. He did not wish, however, to give to this argument more weight than was fairly its due. He did not mean to say that there might not be cases of anomaly which would call upon their lordships to pause before they enacted for one part of the country, the same laws that subsisted in another. But, in the present case, so far from its being possible for those who were opposed to the measures he had introduced to derive any advantage from the existing anomalies, it was, on the contrary, evident that, as far as any differences could be traced, they only served more decidedly to prove the justice of the claim of the English Catholics to the proposed relief. He desired their lordships to look carefully at what was proposed to be enacted by the bills, and he begged leave, in the first place, to call their attention more particularly to the one which had for its object the giving to the Roman Catholics of England the elective franchise. Twenty years had elapsed since the enjoyment of the elective franchise had been conceded to the Roman Catholics of Ireland; and it was extremely difficult to discover any thing like a reason for still withholding it from the English Catholics. The objection surely could not be founded on the amount of property: or, was it the poverty of the great mass of the Irish population to be ascribed to the effect of the elective franchise? This their lordships well knew, was not the cause; which was, on the contrary, to be found in the minute subdivision of the land among a great multitude of occupiers. Without going the length of a noble lord on the subject of the amount of the property possessed by Catholics in Ireland, it was impossible not to admit, that the Catholic population of that country were greatly deficient in property; though not to the extent at which that deficiency had been stated. This objection, however, could in no way apply to the Catholics of England; who, on the ground of property, were in general as well qualified to vote as any of his majesty's subjects. The bill could not be

opposed under the apprehension of the Roman Catholics acquiring too great an influence in elections. Their small number in this country, as well as the example of the general result of elections in Ireland rendered all apprehension on that score superfluous. There were instances in Ireland, of Catholic proprietors recommending persons for election, but without their being able to procure any return favourable to their wishes. But, it was not always persons supposed to be friends of the questions in which the Catholics were particularly interested whom they supported. There were instances of Catholic proprietors coming forward on the hustings, and recommending the return of persons hostile to their claims. No evil had been experienced from the state of the law in Ireland; and he would be glad to know what mischief could be apprehended from the exercise of the elective franchise by English Catholics? What advantage was expected to be derived by excluding such men as sir John Throckmorton and sir Thomas Gage from the elective franchise enjoyed by other subjects—by making them retire from the hustings, without availing themselves of a privilege which any Irish peasant was permitted to exercise? He thought he had said enough to induce their lordships to give their assent to the measure, more particularly when their lordships considered, that they were communicating those privileges that were already enjoyed by persons in a part of the empire where they could act in bodies, to persons in a part of the empire where they could not so act; that these privileges were already enjoyed where the persons in the enjoyment of them were more likely to be influenced dangerously, than that class of his majesty's subjects to whom it was proposed to extend them.—So much for the bill relative to the elective franchise. The next bill was, to enable Catholics in England to hold civil offices. With respect to this bill, also, he would observe, that it would only operate to throw open privileges already enjoyed by a great proportion of his majesty's Roman Catholic subjects. It would appear sufficiently absurd, when it was stated, that on one side of the channel various offices of the revenue were filled by persons of a certain religious persuasion, whilst, on the other side, other individuals equally respectable, and equally competent, and of the same religious persuasion, should not

be able even to issue a permit, though the public convenience alike demanded that such petty offices should be open in all parts of the empire. If it were feared that tobacco and sugar would be infected by their principles, or that spirits would be instilled with heresy, he could assure the House that they had no security against it, for the heads of the Excise department might infect the whole kingdom by an importation of Irish Catholic Excise officers. But, this was not all. Their lordships would be surprised to learn, and perhaps the learned lord on the woolsack might himself be unacquainted with it—that one of those valuable securities for the church and State, one of the acts of Charles 2nd, was actually suspended. That act directed, that no person should be allowed to meddle with the Excise, the Protestant Excise, without having previously taken the oath of supremacy; yet some department of government, in contravention of that act, had issued an order so monstrous as to admit of persons being so employed without taking the oath of supremacy.—As to the justice of the case, he could not bring himself to understand that, at this tranquil era, any thing like danger or inconvenience could be apprehended from the limited number of justices of the peace of the Roman Catholic persuasion, who would probably be admitted into the commission of the peace in this country, seeing that the same privileges were conferred in Ireland, where it was likely that religious feeling might operate; yet there they acted with the greatest benefit to the public. In the committee for inquiring into the state of Ireland, of which he was a member, he had put a question to one of the witnesses who had been employed as inspector-general of police in Ireland. He had previously stated, that a great number of special constables and policemen were Roman Catholics; in answer to a question he stated, that he had never observed a single instance of any one being influenced in his conduct by being a Roman Catholic. He answered nearly in the same terms as to the Roman Catholics who were magistrates. Their lordships would observe, that they had not only no reason to believe that any danger would result, but had positive proof of the great benefit and convenience which had been derived from the employment of these persons.—He had now gone over the different descriptions of offices which Ro-

man Catholics might fill in one part of the united kingdom; but he had still to advert to one provision in the bill now before the House, relative to an office without a parallel in Ireland. He alluded to the office of earl marshal of England, held, or rather claimed, by the duke of Norfolk. Their lordships might know, that of the many honours which, in the lapse of centuries, had gathered round the illustrious House of Howard, the office of earl marshal of England was one which had been granted by Charles 2nd, and though there were no such words in that patent, yet in other patents of the same reign, to the same noble person, it was stated, that it was for great services performed for a Protestant sovereign. He would ask whether there could be any possible danger to the constitution of the country, by the personal exercise of this office by the duke of Norfolk? He (the marquis) had consulted a legal opinion on the subject, and it was held, that if the duke of Norfolk were to serve this office in person he would be guilty of a high misdemeanor. In deference to that opinion, he had introduced this clause into the bill; the more especially, as he knew that the illustrious person whom it relieved, was unwilling to ask for any privilege affecting himself, unconnected with advantage to the rest of his Catholic fellow-subjects. With this exception, nothing was conceded in these bills, that was not already granted—and granted with great utility—to the Catholics of Ireland. In conclusion, he wished to impress upon their lordships the duty by which they were bound to extend, as far as possible, the benefits of the constitution. It was for them to consider whether there was danger in admitting the English Roman Catholics to the enjoyment of those rights, and whether they would not be justified in establishing that uniformity which it was the genius of this constitution to encourage? In determining this question they should not permit themselves to be misled by petty and imaginary apprehensions. They should remember that they had a numerous active and powerful population, who held that particular faith, and reflect upon the impression which the rejection of these bills was likely to make on that population. He would not undertake to say, what lesson it would teach them; but he would say, what lesson it would not teach them—it would not teach them, that obedience to the law and allegiance to

the Sovereign were more certain to establish them finally in the possession of those advantages than reliance upon force and numbers. For these reasons, he should move, that these bills be now read a second time.

Lord Colchester said :—

My lords ; upon the two bills which the noble marquis has this day brought under your consideration, and which, for the convenience of the House, he has explained and discussed conjointly, I am desirous to state, very briefly, my reasons for the vote which I shall give.

We cannot but observe, that the course taken in this and a former year for bringing forward the claims of his majesty's Roman Catholic subjects to a larger share of political consideration and power has been materially changed from that which was pursued at an earlier period of these discussions. It is no longer an endeavour to reach the highest objects of their ambition by one great effort ; but having failed in that attempt, they now adopt the slower method of approach, beginning from the inferior steps, and ascending from thence to the more important and commanding situations ; a course altogether more convenient indeed to both sides, so far as it places each claim more distinctly in view, and shows better what it may possibly be safe to grant, and what it is most important to resist.

Upon the many occasions when this subject has been debated in either House of parliament, I have repeatedly declared, for my own part, that I should be at all times desirous of granting to the Roman Catholics a full admission to all situations of emolument or honour short of those which confer any civil or political power, authority, or jurisdiction in our Protestant State. And I am now prepared to show how far, according to the same principle, I can or cannot agree to the several measures proposed in these two bills ; in doing which I shall, however, take the liberty of inverting the order in which the noble marquis has treated the same topics.

In the first place, I should most readily concur in receiving any proposition for restoring to the illustrious House of Norfolk, the full exercise and enjoyment of their hereditary office of Earl Marshal ; that office having long since lost its ancient powers, and retaining now no other attributes than those of dignity, rank, and honour. But, I think also, that such a measure, which is of an insulated and

personal character, should be made the subject of a separate bill, for discussion, according to the ordinary course of parliamentary proceedings.

With respect to the admission of Roman Catholics to employment in all services connected with the public revenue in its various branches, this evidently is a distinct consideration, and has no connexion whatever with the propositions which precede or follow it. But however much I might be disposed towards such a concession, it is impossible for me to make it now, and in this way, for this plain reason, that it would put the Roman Catholic dissenters upon a better footing than the Protestant dissenters ; and both classes must therefore be left to the usual protection of an Annual Indemnity ; for I am persuaded that neither this House nor the country at large, are prepared as yet to enter upon a general repeal of the Test Act.

As to the next question in the same bill, the admission of Roman Catholics into the Commission of the Peace ; this opens an entirely new field of argument, inasmuch as it asks for the possession of judicial offices ; and those who might feel less difficulty in conceding the two former points, must feel themselves obliged to reject the whole, when they come before us incorporated in a bill which is to work so great a change in the composition and character of the magistracy. And I cannot, according to my principle, agree to vote for this, or any bill which shall enable Roman Catholics to take their seats upon the bench in our courts of Justice, and administer the civil or criminal jurisdictions of the realm.

But, my lords, whatever may be the fate of the bill to which I have hitherto spoken, I must give the most unqualified opposition to the other bill for granting the Elective Franchise to the Roman Catholics of England ; a bill, of which the sole and undisguised object is, to give political power, so far as it goes, and to serve as a stepping-stone to more political power hereafter.

If this bill pass into a law, our parliamentary elections will assume a new character. We shall see at many an election new scenes of strife beginning ; and let those who help forward such a bill, look well to the consequences. We shall see, not only the old and salutary conflict of Whig and Tory, and the partizans of the minister of the day arrayed against his

opponents, but we shall see also the introduction and exasperation of religious animosities. Property of that peculiar description which locally influences the return of members to the Commons House of parliament in so many parts of England, will be gradually bought up by Roman Catholic opulence under ecclesiastical direction; and in places where the elective body is more numerous, the same religious control will be practised more or less covertly in this country, which has been practised openly in Ireland, where Roman Catholic priests have harangued their voters from the altar, and led them on or sent them forward from the chapel to the hustings.

And if such persons become the electors, it is easy to foretell what will be the parliamentary conduct of the elected. For who can doubt but the candidate who shall in any material degree owe his success to Roman Catholic constituents, will become an instrument of political power in their hands; and, ever ready to co-operate in a compact body with others of like principles, in every balanced contest of parties, will throw its whole weight on that side which shall pledge itself to promote most effectually, their distinct, ulterior, and invariable object of Roman Catholic aggrandizement.

Now, my lords, if such are the probable or even possible mischiefs of the measure, what is the motive or principle which should induce us to encounter the risk? The principle of these bills, so far as it may be collected from the preamble of one of these bills, and from the speech of the noble marquis on both, is, to equalize or assimilate the political condition of the English Roman Catholics with that of the Irish, and render it alike in both countries.

My lords, to equalize is well, when it breaks not in upon higher principles; and you may safely and usefully equalize or assimilate your forms and regulations of finance and commerce; although what may be fit in Ireland is not therefore necessarily fit in England, where the very same measures may produce very different effects, when called into operation, under very different circumstances. But, my lords, surrender not in this age of theoretic perfection, and for the sake of ideal analogies, surrender not to the professors of a hostile religion, the only sure and practical means of protecting your own.

And, after all, you cannot place Great

Britain, as to the Elective Franchise, upon the same footing with Ireland. To make even England like Ireland in this respect, you must begin by making England unlike Scotland, and destroy the uniformity which now prevails upon this point in both parts of the same island; for Scotland, in her Union with England, stipulated that her electors and elected should be Protestants, as yours then were; and now you propose to have her irrevocably bound, and to release yourselves from your own implied part of the same contract.

As to making the elective franchise in England resemble that of Ireland, surely there is nothing in the present exercise of the elective franchise there, which can be an object of imitation! and it were rather to be desired that some reform were made in the elective franchise of Ireland itself, such as the noble marquis himself suggested in a luminous and able speech upon the state of Ireland, in a former session of parliament, when he openly and fairly avowed his opinion, that such a reform was indispensably necessary to the tranquillity and happiness of that country.

In order to cover and justify the whole of the measures now recommended to us, we are told, in the last place, that if we should accede to those propositions, there would be no mischief to apprehend, no danger to fear, no just ground of alarm; because the numbers of Roman Catholics to whom the operation of these bills would extend are so few.

But whether they be more or less numerous (and there are, amongst the right reverend prelates now present, those who know them to have increased rapidly in number, and still more in activity) yet any assumed amount or proportion of their present numbers is a very shifting ground for a statesman to stand upon, and wholly unfit for durable legislation. The few of to-day may become the many to-morrow; and in no instance more probably than where talents, activity and persuasion of all sorts, are set to work by one constant and mighty impulse.

My lords, to deal fairly by the House I profess, that my fears are less of the present or future numbers of the Roman Catholics than of the known and fixed principles and spirit of the Roman Catholic church; and I hope I may speak without personal offence to any men, when I say, that I fear them because I respect their sincerity.

The principles of the church and court of Rome are unchangeable; the same yesterday, to-day, and for ever; and I ask of your lordships to take no long retrospect, but to look around you in your own times, and the compass of the last fifteen years may suffice to show you abundant proofs of the existing strength and operation of those principles.

Look, my lords, to the public letters and briefs of the last pontiff,* upon the invasion of his territory by the French, in the years 1808 and 1809; remember the memorials distributed throughout England by a vicar apostolic and Roman

* Principles professed by the Holy See from 1808 to 1820, extracted from the Circular Letters and Briefs of Pope Pius VII. Chiaramonte:

1. That the Pope is the Vicegerent of God, who disposes of thrones, and is the Sovereign of sovereigns.—*Letter addressed to the Foreign Ministers resident at Rome, and signed Cardinal Pacca, 30 Nov. 1808.*

2. That any State declaring itself independent of the church is in a state of Schism—*ib.*

3. That the dependence of the episcopal order on the see of Rome is necessary to the unity of the Church.—*Circular Letter, 5 February 1808.*

4. That no lay authority can translate from one bishopric to another.—*Circular Letter from Savona, 2 Dec. 1810.*

5. That there is no hope of salvation out of the Church of Rome.—*Instructions to the subjects of the Holy See, signed Gabrielli, 22 May 1808.*

6. Protest by the Holy See against the public toleration of other modes of Worship.—*Instructions, &c. ut supra, and Circular Letter to all the Cardinals, &c. 5 Feb. 1808.*

7. Power of the Pope to regulate oaths of Allegiance, and to determine how far they may be taken passively or actively, provided they are never to be prejudicial to the Church.—*Instructions, ut supra, and Letter addressed to the Cardinals of the Papal territory, 30 Aug. 1809.*

8. His condemnation of all marriages with Heretics as matter of detestation and abhorrence.—*Circular Letter to the Cardinals, Archbishops, Bishops, and Capitular Vicars of France, dated Rome, 27 Feb. 1809.*

9. Power delegated to Archbishops and Bishops of France to grant absolution, indulgences, and give dispensations or marriage licences in cases of Incest, or of Adultery, provided neither party has been instrumental in the death of the deceased husband.—*Indulgences, 27 Feb. 1809, signed Cardinal Michel de Pietro.*

10. Obligation to preserve and promote the establishment of Religious Orders, and their

Catholic bishop of the midland district, doctor Milner, in 1813*; read the publications of a Roman Catholic bishop of Kildare, doctor Doyle, recently dispersed throughout Ireland†; and more especially that extraordinary manifesto of sedition and insolence, published under the same name, within the course of the last week, in the daily prints of this metropolis‡; all breathing the same unabated spirit of hostility against all who belong not to their own rule of faith.

On the continent also, the same spirit

actual restoration.—*Circular Letter to the Cardinals, 5 Feb. 1808, and Papal Bull, Rome, 15 Aug. 1814. Special Restoration of the Jesuits, in Russia, Brief, 7 March 1801.—In Sicily, 30 July 1804.—General Restoration, 7 Aug. 1814.—Conditionally in England. See Letter of Cardinal Gonsalvi, 18 April 1820.*

* Extract from Dr. Milner's *Brief Memorial on the Roman Catholic Bill, 21 May 1813*; "As many Catholics in England have refused to take the oath appointed for them by the Act of 1791, in consequence of the terms in which the Succession clause is couched, from an idea that they themselves would be obliged to take up arms against the Sovereign in case he were to profess their religion, which nobody can believe they would do; the following change in the terms is humbly proposed, NOT 'to defend to the utmost of my power,' BUT 'to submit myself,'"

† "What fills, at the present day, these Islands and Germany with the most frantic opinions, but the want of authority sufficient to coerce them."—*Dr. Doyle's Vindication of the Civil and Religious Principles of the Irish Catholics, &c. Dublin, 1823.*

‡ "The whole body of the Catholics are impatient; their pride and interests are wounded; disaffection must be working in them, if they be men born and nurtured in a free state; and yet enslaved"—"The ministers of the establishment, as it exists at present, are and will be detested by those who differ from them in religion; and the more their residence is enforced, and their numbers multiplied, the more odious they will become."—"The Minister of England cannot look to the exertions of the Catholic priesthood; they have been ill-treated."—"If a rebellion were raging from Carrickfergus to Cape Clear, no sentence of excommunication would ever be fulminated by a Catholic Prelate."—"The Catholics possessed of property, in Ireland, either cannot or will not render any efficient services to Government, if eventful times arrive."—"From such men, the Government, should it persist in its present course, has only to expect defiance or open hostility." *Letter to A. Robertson, Esq. M. P. dated Carlou, 13 May 1824, signed James Doyle, published in the Morning Chronicle, 18 May 1824.*

has been stirring within these few months. Such have been the machinations of the Roman Catholic clergy in the Netherlands, and their endeavours to set up a foreign supremacy in derogation of their local allegiances, that two of their societies, at Brussels and Utrecht, have been put down by royal edict, as dangerous to the public peace: and, even in Roman Catholic France, since the accession of the present pontiff, a pastoral letter of the cardinal archbishop of Toulouse has been issued from Rome, with the declared approbation of the Holy See,* which the king of France, by his council of state, has deemed it his duty to suppress, for asserting claims, doctrines, and pretensions, subversive of the rights and independence of his throne.

My lords, admonished by these proofs, which rise up around us on all sides, and by these warnings of the ever intolerant and encroaching spirit of the church of Rome, I am persuaded that we shall best discharge our duty, by persevering upon this as upon former occasions, in the same steady and firm refusal to lessen or weaken the defences of our Protestant constitution. That we have not been called upon this year by many petitions to withstand these claims, is perfectly true, but this silence may be justly ascribed to the conviction entertained by the country at large, that they may securely rely upon the unalterable adherence of this House, to its former decisions; and in that confidence I hope they will not this day be disappointed. I shall therefore have the honour to propose an amendment to the motion of the noble marquis, by moving, "That these bills be read a second time, not now, but on this day six months."

The Earl of *Westmorland* expressed his regret that he differed upon the present occasion from those with whom he concurred in opinion in resistance to the claim called Catholic emancipation. Their object was the same, but their view of the subject was different. His noble friends opposed this measure as tending to forward the object of Catholic claims. He supported it, as affording means of resistance to it. On the general question of giving to the Catholics political and parliamentary power, every day confirmed him in his resistance to it; and what was

every day passing, had opened the eyes of many who were formerly its advocates, to the dangerous tendency of that measure.—The bills had been explained as tending to assimilate the laws in both countries. He did not argue that it was necessary, because the law was such in Ireland, it became necessary in England; but it was a *prima facie* recommendation, unless mischief could be shewn likely to arise; and, from these concessions, he could see none. The question of the Catholics, by means of right of voting, gaining power in parliament could not be apprehended from 500 to 1,000 all over England. The object of the policy of the Irish government was, to diminish the causes of discontent: and so had it happened, that since those concessions, the people in Ireland had never shewn any anxiety for the question of political and parliamentary power. This had been admitted by every loyal man and every traitor. The people were dead to that question. In the parliament called after the granting the right of voting, it would be supposed that being elected by Papists, it would have given every thing. The Catholic cause was hardly mentioned. Upon a calculation of members of parliament pro and con, on the question of Catholic emancipation, the numbers were supposed to be about even. So that in England, where Catholics did not vote, the influence had been as great as in Ireland where they did. So far, therefore, nothing was to be apprehended from the proposed measure. Nor could he see any objection to the question of inferior offices, as proposed by these bills. When the militia of the two countries had been interchanged it had not been thought injurious to the British constitution to enact, that Catholic officers should be allowed to exercise their military functions in England. Why consent to alter the law as it affected the military, and hesitate to alter it as it affected the civil subjects of his majesty? He could not see upon what principle those who permitted Catholic military could refuse to admit to common offices in the Customs and Excise.—If he were a catholic he could understand the principle, however erroneous he might think it, of refusing to the Catholics political influence and parliamentary power. But if he were told, that he should be refused a benefit, the possession of which could be followed by no political mischief, he should certainly consider himself unnecessarily oppressed

* *Lettre Pastorale de S. E. Mr. Le Cardinal Archevêque de Toulouse et Narbonne, &c. Rome, le 15 Oct. 1823.*

—that he enjoyed privileges in one part of the country, where it might be argued that the exercise was dangerous, and was refused the same, where no danger could be apprehended. It was in the nature of the existing laws to interfere with the English Catholic in all the concerns of civil life; to deprive him of all the opportunities of civil advancement enjoyed by other classes of his majesty's subjects. If he were a Catholic, he should remonstrate against the absurdity of intrusting to him as a military officer, the sacred person of his majesty, but of refusing him the most insignificant office in the collection of his majesty's revenue. It was the anomaly of the existing laws that gave force to the arguments of those who wished to alter the constitution. These anomalies he desired to remedy. He conceived the arguments which a noble lord had used, he alluded to a matter of history, of the bill for the removal of all distinctions, rejected in another place, as pledging him to the principles of the second bill. On that bill, on the speaker's motion to leave out parliamentary and political power being carried, and the bill abandoned by its supporters, one of the Catholic clergy in very eloquent terms had written, that it might be well for their nobility and gentry to try for their own ambitious views; but having failed, it was hard, and had given great discontent to the Catholic body, that the various means of advancement attendant on common life, and the removal of other matters inconvenient to persons professing that faith had been sacrificed, which might have been attained, and would have given great satisfaction to that body. This object he (Lord W.) wished to attain; and he wished to place the government and parliament as that benefactor. When he had lately argued a question he had given lord Bacon's definition of a law, "*ut pœna ad paucos timor ad omnes perveniat.*" He wished to paraphrase that law, and say of this, "*ut præmia ad paucos gaudium et solatium ad omnes perveniat.*" The right of voting and office would fall to the lot of a few, but this act would relieve the whole body from what interfered with the transactions of common life; and would be received by a grateful people as a reward for their loyalty and good conduct.

Lord Redesdale opposed the bill. It must be evident, he said, to all impartial men, that every concession to the Catholics

led to a demand for further concession. Let their lordships review what had occurred with respect to the Catholics of Ireland. Their first object was, to remove certain inconveniences to which they were subjected; and these removed, according to Mr. O'Leary's publications of that time, all would be peace and tranquillity. The Catholics, according to him, required no political power. Over and over again that was the burden of their song,—how justly what followed had shown. For himself, he could not consent to give political power to the Catholics. Nor could he be deterred from freely expressing his opinions on the subject, by the fact, that his assassination had been openly preached in a Catholic chapel in Dublin. The constitution of the country was essentially Protestant. It had been stipulated in the Union with Ireland, that the Protestant should be the established Church in that country. That church we were bound to protect. Man, every where, and under all circumstances, was desirous of property. Of course, the property belonging to the established church was the object of desire to the Catholics. By obtaining political power they hoped to obtain that property. It had been the policy of the legislature to guard that property in every possible way; and the laws excluding the Catholics from parliamentary power, had always been considered by him, as indispensable for the protection of the established church. He would resist the slightest attack on that church. Let one stone be pulled from a building, and another, and another, and the whole edifice would soon come down. Their lordships had been told that there was an existing anomaly; and that, because certain grants had been made to Catholics in one country they should be made in another. To him that was no argument. It was as much as to say, that, because they had done wrong once, they should do wrong twice. The question was, where they should stop in the indiscreet course they had been pursuing. The principle on which the bill under consideration was argued, would go to deprive the present royal family of the Crown. For why had a Catholic prince been excluded from the English throne, but because it was considered dangerous to the Protestant religion for him to remain there? The principle of the present bill was only less in degree, than the principle of a bill which should admit Catholics to the throne. If he could draw a line of

circumvallation about the Protestant church, which it would be impossible for hostility to pass, he would be most willing to grant every thing. But, as he could not do that, and was anxious to defeat every insidious approach, he could not consent to this bill. To that part of it which respected the exercise of the office of earl marshal by the Duke of Norfolk, he could have no possible objection. But he thought it invidious to introduce this in the general bill, and wished it to be made the subject of a separate measure. Against the bill before their lordships he must vote; for he must vote against any measure calculated to add to the political power of the Catholics in Ireland. Whoever had observed the recent conduct of those Catholics, must see that they were prepared by force to seize the establishment itself. Indeed, such a disposition had been openly avowed.

The Bishop of *Litchfield* [Dr. Henry Ryder] said:—

My Lords; Unaccustomed as I am to take any active part in the debates of this House, and ill-qualified as I feel myself to give due force and impression to the argument in favour of the views which I entertain, I still cannot help requesting permission to trouble your lordships with a few words, in explanation of the vote which I am about to give upon the bill now before us.

It will be a vote at variance, I fear, with the sentiments of the chief and of a large majority of the body with which I have the honour to be professionally connected, and should ever wish, from personal regard and esteem, to concur. But they would, I am sure, be the last men to desire the suppression of a conscientious difference of opinion, and still less to expect parliamentary support in opposition to its dictates. It will be a vote also, inconsistent, as may probably be argued, with former conduct, and symptomatic of a change of sentiment upon what is called, the Roman Catholic question.

From any charge of inconsistency, I hope to vindicate myself successfully on the present occasion; and any change of sentiment upon the general question I utterly disavow. I continue, as firmly as ever, persuaded that the profession of the Roman Catholic faith is a just and sufficient bar to the occupation of a seat in either House of Parliament, to the attainment of a share in legislative power, the power of confirming or altering, improving or im-

pairing the constitution, civil or ecclesiastical, of our country. I consider the subordination of mind, and (may it not be feared sometimes) of principles to the dictum of a foreign potentate, and even to his domestic emissaries—I consider the necessary enmity to our Protestant establishment, and the habitual desire to effect its overthrow, and the consequent readiness to adopt any measure for the accomplishment of that object—I consider these essential qualities of a sincere Roman Catholic, ample ground for my perseverance in resisting any attempt to promote their eligibility to parliament.

But surely, the right to the elective franchise stands upon a wholly independent foundation. It seems to be the very essence of a free representative constitution that, subject to the indispensable qualifications of adequate property,—subject to exclusion on account of crime, such as perjury and corruption, or on account of voluntary official disqualifications, deemed necessary by the just vigilance of parliament—subject to these restrictions, each member of the community should be allowed, in fair right, to vote for a representative. If that right be denied to him, he appears to me to have a grievance from which he ought to be relieved.

Such is the relief proposed by this bill; and connecting it with the single understood limitation to a Protestant candidate, it seems exactly to supply all that justice and attention to individual benefit, and satisfaction can absolutely require, with all that political prudence can properly concede.

The Roman Catholic elector will be represented in his views of general policy, and of domestic administration—in his interests—in his feelings—in individual attachments—in his party prejudices, if you please, but not in his religion—not in that portion of his sentiments which alone is incompatible with the peaceable maintenance of one of our chief and most important establishments; and which will ever lead the possessor of an actual share in the legislature to exercise it on every suitable occasion, with a view to the aggrandisement of his own church, and to the destruction of all its rivals.

Such is my general view of the case of the elective franchise. Upon this principle I should have justified the grant to the Irish Roman Catholics in 1793, and should have urged, at the time, its necessary and immediate extension to the English members of the same communion.

But, if the measure be thus, in my opinion, clearly defensible, and even imperatively incumbent upon us for reasons of a general nature, its propriety under the particular circumstances of the present case, is tenfold enhanced. What would have been the arguments of expediency against it?—their number and their turbulence—and yet it was granted to them—while from the comparatively few, peaceable, loyal English of the same persuasion it has now for 30 subsequent years been perseveringly withheld.

What even is the special argument against it? arising it is said, from experience:—the multiplication of Roman Catholic freeholders by the splitting of freeholds. But this practice is little known, is not habitual, if even pursued in this country, and the immense superiority of Protestant proprietors would prevent the practice, if generally adopted, from becoming in any way advantageous to the Roman Catholic cause.

Whether then we look to the arguments of general rights, or particular wrongs, or to the objections of expediency from a view of comparative dangers, I cannot but regard the measure as justified—as called for—as pressed upon your lordships, by every motive that can sway the man, the citizen, and the legislator.

In conclusion, if I might be permitted, I would venture to urge those who with myself support what we deem the general cause of Protestant security, to hasten to deliver a cause so valuable, so dear to us, from the charge of anomaly or inconsistency, and from the stain of injustice which must ever attach to it, until the English Roman Catholics be placed, especially as to the elective franchise, upon the same level with his Irish brethren.

The more, my lords, we prize this cause, the more solicitous should we be to present it to our own minds, to the world, and to those upon whom it necessarily inflicts a privation, in a fair, equal, and equitable state.

Thus let us be enabled to say to each of our Roman Catholic brethren: "We respect you as men—we regard you as fellow citizens and friends—we gladly seize the opportunity now afforded of restoring to you privileges, which perhaps you should have never forfeited, to the utmost extent which our view of the guards necessary for the support of the Constitution will permit: and we wait, with friendly impatience for the time, surely near at

hand, when the now swift and growing progress of religious light shall remove that barrier within yourselves which alone obstructs your full admission to all our civil advantages—which alone prevents your country from receiving the full benefit of your moral and social qualities, and your intellectual endowments and attainments." Upon these grounds and with these hopes, I shall cordially vote for the motion of the noble marquis.

The Bishop of *Bath and Wells* said, that the main and only question before their lordships was, whether they could grant the Catholics the privileges to which the bill would entitle them, without danger to our establishments? In entering on this question, he was free to acknowledge, that exclusion of every sort was an evil. The exclusion, for instance of the noble duke from the exercise of his rights of earl marshal of England was an evil. The question then came to this—was the evil necessary, or not? He thought it was a necessary evil and he would state his reasons. Toleration was of two kinds; religious and political. Religious toleration, or the power of worshipping the Deity, as the reason and conscience of every man prescribed to him was a privilege which unquestionably ought never to be denied. But, the other kind of toleration was of a very different description. Government was for the general good of those who lived under it. If, therefore any sect entertained opinions subversive of the foundations of the social compact of any country, and were prepared to act upon such opinions, the legislature was bound to withhold from such a sect that degree of political power, which would enable them to carry their principles into successful operation. If any sect, for instance, held the tenet, that property should be equally divided, was government called upon to give that sect privileges which might enable it to realize its doctrine, or powers which might be turned against itself? Holding this as undeniable, let the House consider the doctrine of the Roman Catholics with respect to the Pope's supremacy. They believed that his holiness was the head of the church, and that kings only exercised with him a divided authority—"Divisum imperium cum Jove Cæsar habet." The Roman Catholics also maintained the doctrine of indulgences, of exclusive salvation, and many others. The plain question was, whether they not only professed

such doctrines, but were prepared to act upon them? If that question were put to him, he must answer, that they were evidently prepared to do so. Such was the uniform testimony of history; such was the concurrent testimony of his own experience and observation. On the first he would not trouble their lordships. The pages of history were open to all; and the facts which they exhibited were sufficiently strong. With respect to the second, he thought he should be wanting to the cause of truth if he were to abstain from stating what had fallen within his own knowledge, and under his own observation on the subject. In one of the large manufacturing towns in his diocese, there were a great many poor, for whose relief a work-house had been established, in which every proper attention was paid to their comfort. Among these were some Roman Catholics, and these persons refused to work on the saints' days and holidays of their church. The magistrates appealed to the priest; the priest referred them to the vicar-general of the district; and the vicar-general stated, that he could not interfere without authority from the Pope. Such a power of dispensation appeared to him incompatible with the just obedience due to the civil authority. To show the growing influence and zeal of the Roman Catholics in that quarter, he might mention, that the order of Jesuits had been established at Stoneyhurst, and had been both zealous and successful in making converts. It could not be pretended that the Catholic religion was altered. It might be said to be *semper eadem*, and the words "*Nil actum reputans, dum quid superesset agendum,*" might fitly be applied to the spirit of its professors. Having such things constantly before his eyes, could any one blame him if he felt the strongest apprehensions on the subject? Without the slightest spark of hostility towards the Catholics; on the contrary, with the utmost good-will towards them, he felt that he should not be doing his duty to the Protestant community, if he did not vote against the bill. Concession was a good thing, but security should precede concession. "What, then," he might be asked, "is the Roman Catholic never to be emancipated? Is he ever to remain deprived of a participation in the civil rights and privileges of his countrymen?" His answer would be—"No; let not the exclusion continue one moment longer than necessity demands its contin-

uance. But let it continue as long as the dangerous tenets held by the Catholic church—tenets subversive of every Protestant government—remain unrepealed; and above all, let it continue as long as the English Catholic pays to the Pope of Rome any part of that obedience which ought to be wholly confined to the king of his own country."

The Lord Chancellor said, he was sorry to differ from some of his noble friends on this occasion, but he felt that he could not yield to their views in a measure which he conceived threatened danger to the Protestant establishment. The bill for allowing Catholics to enjoy the elective franchise, he could not agree to. It was said to be introduced to remove an anomaly; but it made no provision for the Catholic of this country taking the same oaths as were required of the Catholic of Ireland. The right rev. prelate who had spoken last but one had argued, that a right to vote in a Catholic elector could have no influence on the minds of the persons sent to parliament. This did not appear to be very evident. But, upon what ground could the right rev. prelate grant the right of electing without that of being elected? From the Revolution downward no man had ever thought of giving in England the right of the elective franchise to Roman Catholics; nor had the anomaly been complained of since the Union of Ireland, till very lately. The right of calling on the elector to take the oath of supremacy was not limited to the Roman Catholic; and if the Irish Roman Catholic did not take it in the same form as Protestants, he was not exempted from an oath as binding. If the English Catholic, therefore, was to be admitted to the elective franchise to remove an anomaly, he should be required to give the same security as the Irish. By the bill of 1793, which conferred on the Irish Catholics that privilege, they were bound to take the oath of the 13th and 14th of the king and to bring a certificate that they had done so. The same right rev. prelate had contended, that the Roman Catholic had a right to vote at elections. If such a right existed, his principles ought to carry him a great deal further. The Irish Catholics, it should be observed, had, by various acts, obtained a right to various privileges which the bills on the table did not grant to English Catholics. The measure, therefore, before their lordships could not be supported on the principle

of consistency; as it did not place the Catholic religion in the two countries on the same footing. With respect to the noble duke whose name was mentioned in one of the bills, he had no hesitation in giving it as his opinion, that he could not exercise his office without taking the oath of supremacy. His only objection to the admission of the noble duke was, that by going step by step—by taking here a little and there a little—their lordships would be doing that which they could not do at once, and might be creating danger without exciting a salutary alarm. They must grant the English Catholics the same privileges with the Irish, if they granted them any at all; and he saw no reason why their lordships should do wrong again, because wrong had been once done. The truth was, that they had been going on from step to step, till it was now difficult to stop. He, however, held it to be his bounden duty, in the particular situation in which he was placed, to take care of the supremacy of his sovereign. Let their lordships look back at the struggle which had been maintained, not only in the time of Henry 8th, of queen Elizabeth, and of James, but at the Revolution, to support the supremacy of the sovereign, and they would see what importance had always been attached to it. Let them read the first of William and Mary, and he was sure that they would be convinced of its vast importance. No person could be a subject of this country, and enjoy the privileges of the bill, without taking the oath of supremacy; but, in the measure of the noble marquis, no such provision was made, nor was any such qualification required. It was extremely difficult, if not impossible, to separate the spiritual and ecclesiastical authority of the Pope from temporal power. In Ireland, the elective franchise had been given on taking an oath equivalent to the oath of supremacy. At the Union the Protestant religion was the care of both countries. There was no necessity, therefore, to remove any anomalies to answer the purpose of the Union. At the Union with Scotland it was stipulated, that both electors and elected should be Protestants. The church of England had, for the last twenty years, been attempted to be taken by storm. It had withstood all these shocks. Let it not now be destroyed by sapping and mining. Some noble lords seemed to imagine, that these measures could be effected without injury to the church. Now

he held a very sincere opinion the other way; and, with all proper deference to the sentiments of others, he must act on an opinion long formed, and which he should maintain so long as he possessed the power of utterance. He had been charged with bigotry. Now, he had never heard such a charge brought against the Catholics, though they had displayed equal firmness in adhering to their opinions; and he could not see that such a charge ought to be made merely because the lord high chancellor did what all the king's ministers had done; namely, declare in his individual and ministerial capacity, that he could not consent to a measure from which he apprehended the greatest danger to that supremacy of the Crown, which he felt it to be his duty to maintain.

The Earl of *Liverpool* said, that he had resisted, on former occasions the general claims of the Catholics, and their recent conduct, together with productions of theirs which he had observed within the last week, confirmed him more and more in the wisdom of that resistance. But, the question before the House had no reference to those claims. The noble marquis had introduced limited bills, which had no reference to Ireland, but granted certain privileges to the Catholics of England. He did not yield to his learned friend on the wool-sack, in his zeal to maintain the Protestant establishment, or the principle of the supremacy of the Crown; but, the bills now before their lordships involved only questions of degree. His learned friend hinted indefinite dangers. He (lord L.) required something intelligible and tangible. He thought that, in order to maintain the Protestant ascendancy, it was necessary to have a Protestant parliament, a Protestant council, and Protestant judges. He was aware that some of the noble lords opposite did not exactly agree with him in this; but they must admit, that the distinction was broad and intelligible between such high securities and those privileges granted by the present bills. Looking the question fairly in the face, most of their lordships would own, that there would be danger to the Protestant establishment, if a legislature, if judges and a council hostile to it, were permitted to be created. How, for instance, could the Protestant succession be maintained without a Protestant parliament? Such were his reasons for resisting the higher claims of the

Catholics; but, with the same sentiments he would give his concurrence to the present measure. He apprehended from it none of the dangers which he had alluded to in the former case. Nay, he even believed, that the granting of such privileges to the Catholics of England, would strengthen the Protestant establishment, as a cause of discontent would thus be removed—as a reproach perpetually thrown in their teeth would be taken away—and as, by conceding these little things, they acquired strength to resist greater encroachments. Not only pro tanto, therefore, did they remove dissatisfaction, but they actually acquired power. Now, as he had said with respect to the marriage bill, although a different system existing in Scotland, was no reason why it should be established in England, so he would say, that the enjoyment of certain privileges by the Irish Catholics, was no reason why they should be granted to the English; but, the notorious fact was useful in both cases, as it gave experience in favour of some change. If it had been adopted without danger in Ireland—if the Catholics there enjoyed the elective franchise—it was at least a reason why the concession should not excite alarm in England. In Ireland the proportion of the Catholics was infinitely greater, and therefore, if any danger existed, that danger must be proportionably augmented. If he had been asked in 1793, whether this privilege should be extended to the Catholics of Ireland, he would have certainly recommended a modification of the measure, and required that the qualification should be raised. Could their lordships, then, refuse to pass a measure where the danger was comparatively nothing, which had been in existence in another part of the empire where the number was infinitely greater. What they gave to the strong and the powerful, it would be ungenerous to refuse to the weak and the helpless. His learned friend had spoken of oaths to be taken at elections, and of the security which the Protestant establishment enjoyed from the acknowledgment of the king's supremacy on such occasions; but he must be aware that these oaths were never tendered but for the purpose of delay. With respect to the justice of peace part of the bill, there might be some difficulty, but there could be none about the admissibility of Roman Catholics to be officers of revenue. By the union of the treasuries,

and of the boards of Customs and Excise, officers were liable to be transferred from one country to another, by order of the board sitting in London. A Catholic, therefore, who might be a very good excise officer at Limerick, would be a very bad one at Liverpool. Thus, by crossing the channel, in obedience to the command of the board that he served, he entirely changed his quality. Was it possible for their lordships to allow this anomaly to remain? Surely such inconsistencies might be removed without granting the highest rights to the Catholics, or endangering the Protestant establishment. He was not afraid of meeting the Catholic question. He knew the opinion of the public; and he was certain they would not be taken by surprise. If he was afraid of any thing, it was of prolonging useless ontests on immaterial points, which made the conduct of the government appear odious, without producing a counterbalancing advantage. His best ground of defence, when called on to cede what he considered material and essential, would be, that when a proper claim had been made out, he had met it fairly and fearlessly; and he thought that principle of conduct would be the most safe and honourable for the House.

The House then divided, in favour of the first bill:—Present 63; Proxies 38; Total 101.—Against it, present 74; Proxies 65; Total 139.—Majority against it 38. In favour of the second bill; present 67; Proxies 42; Total 109.—Against, it present 76; Proxies 67; Total 143. Majority against it 34.

HOUSE OF COMMONS.

Monday, May 24.

ALLIANCE ASSURANCE COMPANY BILL.] On the report of this bill being brought up,

Mr. Grenfell begged to know what security the public had with respect to these companies? If, for instance, a Secretary or other public officer of such company were to be proceeded against, and a verdict obtained, he wished to know how far the company, individually or collectively, were liable?

Mr. Huskisson said, that as he understood it, under these bills of incorporation, in case of judgments obtained against the treasurer, and their not being made good, the individuals who might obtain the verdicts would be at liberty to select

any one or more of the members of that incorporation, upon whom he might levy for full satisfaction of his claim. Without such a clause attached to it, no bill of that nature would be allowed to pass. He would propose, for the public convenience, another clause, which would require the names of all the parties to be enrolled at the Stamp-office; and none of the proceedings of the association should be held good in law until such enrolment had been effected.

BEER DUTIES BILL.] On the order of the day for going into a committee on this bill,

Mr. *Maberly* opposed the motion. He said he was most anxious for the appointment next session of a committee, to consider fully the whole question respecting the beer trade. The present bill professed to have two great objects: one was, to put the duty more upon malt, and the other to open the trade for a free competition; still, however, the operation of the bill would be, that one class would be paying a duty of 55s. a quarter upon their malt, while another class only paid 20s. The licensed victuallers, for whose benefit the bill was said to have been introduced, objected to it; and the London victuallers said that, if passed, it would prove their ruin. Although an advocate for the principle of a free trade, yet there were a number of subsisting interests which ought first to be reconciled. The publicans had paid large sums for their houses, the value of which would be materially altered by this bill. There were, he understood, 50,000 persons so situated. He would prefer to see the whole duty laid on the malt, instead of the beer. The measure would not be the means of procuring for the public so good a beverage as was supposed. Those who were likely to embark in the private trade would not have capital sufficient to purchase extensive premises and the necessary utensils. This want of capital would prevent them from affording time to let the beer ripen. How would the bill operate in private life? Could a common mechanic give up his time to brewing at home, when he could earn so much more than any saving he might thus effect by pursuing his trade? Would such a person brew at home, when he had to pay 35s. duty on the quarter of malt, above what the higher orders of society paid? The parties interested did not ask for compensation; all they wanted

was, to be fully and fairly heard. As that hearing was refused, he felt it to be his duty to move, "That the bill be committed upon this day six months."

Mr. *Davenport* opposed the bill on account of the injury it would inflict on a numerous body of individuals, and because he thought it would lead to much immorality. Beer would be sold and drank in every lane and alley, and riot and disorder would be the consequence. At present the publican, in whose house beer was consumed, found it to be his interest to preserve peace and good order.

The *Chancellor of the Exchequer* said, that as it was now agreed, that every thing that related to the change of duties, should be taken out of the bill, he should say nothing on that subject. Indeed, he was at a loss to know what should be discussed in the committee; because, as the price of beer would be lowered by the bill, that sufficiently established the advantages that would result from it. The mere fact, that the price would be lowered, proved that the beer was now at a higher price than was necessary. A committee was needed, it might be said, to show the loss to what had been called vested interests. He conceived it possible that some diminution of profit might be occasioned by the bill; but if that was admitted, was it to be a conclusive bar to an alteration of the law. The state of the law demanded some change; for it was extremely doubtful whether the brewers might not even now retail beer in the manner authorized by this bill. In the last session the hon. member for Reading (Mr. F. Palmer) had asked him, whether there was any obstacle to brewers selling by retail; and he had answered, that there was not, as far as the Excise was concerned. The same answer was given in a more formal manner, on an application to the Board of Excise. In consequence of that, a number of brewers had set up trade in that way; prosecutions were commenced against them, both at Reading and Brentford; and convictions were obtained. Without being a lawyer, he confessed he did not see how those convictions were sustainable on ground of reason. The convictions were brought by the parties concerned into the court of King's-bench, and were to have been argued the first term of this year, but were put off to the present term for further argument. Now, the state of the law was at least so doubtful, that the

court of King's-bench threw out a suggestion, that the point had better be settled by an enactment on the subject.— On looking at the subject, he could not persuade himself that the public ought to be deprived of the advantage, because those who had, under the regulations of the law, enjoyed a practical monopoly, might have their profits in some degree lowered by competition. This argument, if it were allowed to prevail, would be good against opening any monopoly whatever. The parties could not say in this case, that they had been taken by surprise. A committee two years ago had decided against the monopoly; though they had recommended caution and time in abolishing it. A learned member, too, (Mr. Brougham) had brought the subject under consideration, in a bill in which he went further than the present measure; for he had proposed to allow all persons to sell beer, whether they had brewed it or no. Though he had objected to that bill, he had distinctly said, that he was not adverse to the principle of the measure, as far as it went to destroy the monopoly; but that he thought other means might be adopted to put the principle in force. He was satisfied that nothing could depend on the investigation before a committee, for the question was, whether the injury to the persons who petitioned the House should form a permanent obstacle to the opening of the trade. He objected to the committee, therefore, and called on the House to pronounce aye or no, whether a free trade should be established in this essential article of life, and he hoped, nay, he confidently believed, that the House would declare, by its vote, that the interests of the poorer class of consumers should not be set aside, because those interests happened to interfere with the profits of a long-established monopoly.

Mr. Lockhart, as chairman of the committee to which allusion had been made, wished to say, that the chancellor of the Exchequer had stated very correctly the view which that committee had taken of the question. They recommended magistrates, whenever they saw brewers purchasing all the public-houses in a neighbourhood, and heard the people complain of being supplied with a bad article, to open free-houses, for the purpose of ensuring competition. He contended, that the poor derived benefit from the encouragement now given to

private brewing, and was convinced, that the bill, so far from encouraging vice and immorality, would benefit the morals and add to the comfort of the poor, by allowing them to drink good beer in their own houses, without being obliged to mix with bad company.

Mr. T. Wilson said, if the bill only destroyed the monopoly of the brewers, he should concur with the hon. gentleman; but he thought the case of the licensed victuallers was entitled to every consideration. If they were relieved from the heavy duties and other burthens that pressed on them, the case might be different; but the advantages they enjoyed should not be taken away, while their disadvantages remained. He anticipated, too, considerable inconvenience from the assemblage at the doors of the brewers, of the persons who would resort thither for their beer, to the great inconvenience of passengers.

Mr. F. Palmer said, he anticipated from this measure more good to the mechanics, tradesmen, and to the mass of the people, than from any other measure that could be introduced into the House. A strong proof of the advantages of retail brewing was to be found in the fact, that barley had risen in price ever since the practice began. The great brewers of this country were a most enlightened and powerful body of men: he respected them much, but he had a duty to the public to perform. It was a fact, that the licensed victuallers and wholesale brewers would still have an advantage of $8\frac{1}{2}$ per cent. over the retail brewers, whose competition they dreaded. He had been told, that it was no matter whether there were public or private brewers; as there were enough of them to produce competition. In answer to this he would state a fact. The public brewers met at the town of Wokingham periodically, from all the range of country from High Wycombe, through Maidenhead and Windsor to Guilford, to regulate how much work they should run, and at what price they should sell their beer. What, in such a state of things, became of competition? It was denied, that in general the brewers had monopolized the public-houses. All he could say was, that in the part of the country with which he was most acquainted, it was very rare to find a free house. He allowed, that much of the evil had arisen from the monstrous neglect of the magistracy. Where they had done their duty,

there had been no complaints. The retail breweries, which this bill sanctioned, were calculated to break down the abuses of the present system. In the town of Brighton there used to be constant complaints, but, since the establishment of the retail breweries, there was no better beer in any part of the kingdom. He should give his warm support to the bill.

Mr. *Whitbread* said, that, being connected with one of the great London breweries, he should, as a matter of taste, have abstained from voting altogether; but when he considered, that a great number of his constituents were licensed victuallers, who were most unjustly treated by the bill, he should, for their sake, and not for his own, vote against the bill.

Mr. Alderman *Bridges* apprehended considerable inconvenience from the retail breweries. Persons would assemble to drink their beer in the neighbourhood of these retail shops, where they might commit disorders, which were less likely to take place in the houses of publicans, as they were under the control of the magistrates. He thought the bill was fraught with evils of great magnitude.

Sir *J. Sebright* wished to see a fair competition in the beer trade. If a brewer brewed a good article at a fair price, he would be sure to obtain customers. If he did not, the public should have an opportunity of going elsewhere. Such a competition did not exist at present. In many districts the publicans were obliged to buy their beer from brewers, who, as there was no competition, had no inducement to make their article of a good quality. As a country gentleman, he returned his thanks to the right hon. gentleman for introducing a measure which would put an end to the existing monopoly.

Mr. *C. Calvert* said, the licensed victuallers were deeply interested in this measure, and as it was calculated to injure them, he deemed it his duty to oppose it. He did not generally oppose bills when going into a committee; but the present was a peculiar case. The right hon. gentleman had altered the title; he had altered the preamble; and now it appeared that he meant to strike out one-half of the measure. Under these circumstances, the right hon. gentleman ought to have the bill printed, so that individuals might come properly prepared for the final consideration of the measure. As it now stood, it would be the total ruin

of a large body of industrious individuals.

Colonel *Davies* said, that a large capital had been embarked on the faith of existing acts of parliament; and, as a numerous class of persons would be ruined by the proposed measure, he should give his vote against it.

Sir *E. Knatchbull* was of opinion, that the interests of the publicans, who had petitioned the House so strongly against the measure, ought to be fairly considered. When the right hon. gentleman first brought forward the subject, he had said; that he would considerably reduce the scale of licence duties. However, according to this bill, the publican would not be benefitted by the alteration in those duties. In two years' time the additional duties, which were laid on during a period of war, would expire of themselves; while the duties imposed by this bill were of a permanent nature.

Mr. *Curwen* said, that when he considered the great advantages which the public at large would derive from this measure, it was impossible for him not to support the bill. The consequence of the existing monopoly had been such a deterioration of the malt liquor, as to render it almost unfit to drink.

Mr. *Monck* said, it could not be fairly contended that this measure introduced an alteration of the law, which had not been duly considered, after the valuable report of the committee which sat on this subject. That report proved that the greatest abuses existed in the beer trade. Mr. Barclay, who gave evidence before that committee declared, that for his own part, considering the subject in an extended point of view, he was perfectly willing to assist in opening the trade. He served a great number of free houses. Many of these Houses were offered to him for purchase, which he declined, because he thought he had embarked sufficient capital in the trade, and they had been bought up by other brewers. The system of buying up free-houses had been carried by brewers to an extent, which operated most injuriously to the interests of the public. Mr. Barclay, in his endeavours to open the trade, had no other wish than to serve the public with a good article at a fair and reasonable price. The brewers themselves were interested in the success of the present measure; for their own characters would rise in proportion as the quality of their beer was improved. There was this difference between the English and Scotch

petitions against this bill, that while the English uniformly prayed that the bill might not pass, because it would operate injuriously to the retail brewers, all that the Scotch petitions complained of was the scale of duties; which they contended, would be excessively oppressive to them, because the duty being laid on the barley without reference to its quality, would operate unequally on the barley cultivated in Scotland, which was of an inferior quality. There was not one word in the Scotch petitions about injury to the interests of the retail brewers; because in Scotland the trade in beer, like every other trade, was fair and open, and the Scotch magistrates, unlike the magistrates in this country, granted licenses, as a matter of course, to every one who wished to embark in the trade, on security being given for the good conduct of the House. He could not at all comprehend the arguments by which hon. gentlemen had endeavoured to shew that the bill would operate injuriously on the morals of the people. It was said, that the people would assemble to drink their beer in the corners of streets; but, could they not do so if they thought proper at present? There were a great number of eating-houses and oyster-shops in the metropolis, to which beer was brought from public-houses in the neighbourhood; and he believed these places were very beneficially and innocently conducted. That these houses, if served by retail beer-shops, instead of public-houses, should suddenly become nuisances, appeared to him a very groundless apprehension. If, however, abuses did grow up under the system, was it not competent for parliament to find a remedy? By this bill the consumer would get a good article at a fair price. This was not matter of experiment, but of positive experience. The right hon. gentleman had done himself great honour in bringing forward this measure, which had been called for year after year. He trusted he would not notice the clamour of interested individuals. Such clamours he was likely to encounter. But he was sure of receiving a reward that must be highly grateful to his honourable mind. He would be hailed by the country as the poor man's friend, and in every quarter be greeted by the poor man's blessing.

Mr. Wodehouse thought that a great deal of prejudice had gone forth with respect to the trade in beer. He should not

vote, however, for the amendment. When this subject was under consideration last year, he had stated, that a measure imposing a low rate of duty on beer would be desirable, and that to promote that object, he should have no objection to an increase of the present duty on malt. At the same time, he thought it would be a measure of great impolicy, as well as of gross injustice, when the maltsters were already liable to a duty of 3,000,000*l.* to raise that duty in effect to 7,000,000*l.* by adopting the proposition of the hon. member for Abingdon, which would subject them to the rigorous exaction of every penalty attached to the trade in malt.

Mr. Alderman Wood denied that the public had called for the present measure. Two petitions only, from Reading and Newbury, in favour of the bill, had been laid on the table of the House. Amidst so many millions, therefore, of which the population of this country consisted, no more than 2,000 persons had come forward in its support. He admitted that this bill would enable the public to get the article cheap, but as to its being good, that was quite out of the question. The doctrine which had been preached up about free trade was all very fine. All he wished was, that the right hon. gentleman would do justice. The right hon. gentleman had abandoned his first bill for reducing the duty on malt from 37*s.* 6*d.* to 24*s.*, which would have afforded some relief to the poor man; and he had now brought forward a measure from which no advantage whatever would be derived. A great deal had been said about the immense monopoly which existed in the beer trade. Now, it appeared from the returns, that there were 44,000 public-houses in the kingdom, of which 22,000 brewed their own beer. Here was an end at once therefore to one half of the supposed monopoly. This measure proceeded on a principle which was directly opposed to that on which Mr. Colquhoun acted. That able magistrate endeavoured to limit the number of licenses in the same neighbourhood; so that the public-houses might come under the immediate observation of the magistrates. Great evils would arise from the establishment of houses for the sale of beer, over which the magistrates could have no control, and those evils had already been experienced in Bath and Lancashire. The measure was not called for by any want of free houses. Of 700 houses supplied by Barclay and Co., the

greater number were free. In the town of Leeds, there were 300 public-houses, of which only about 20 were not free. If the right hon. gentleman wished to give the public cheap beer, let him take off the duty of 37s. 6d. on malt. That was a measure which would give universal satisfaction. If he wished to give effect to the principles of free trade, let him take off the shackles which fettered the trade of the brewers. Let him not, while he took off the burthens from one trade, impose additional shackles on the class of tradesmen, who were now to be ruined. If the right hon. gentleman acted consistently with his own principles, why did he not allow a free importation of corn? This would be a real benefit to the poor man. If fair and honest returns had been made, the ports would have been open long ago, and corn would have been at the price to which the poor of this country were entitled to have it. Convinced, as he was, that the right hon. gentleman had abandoned the only part of his measure which was calculated to benefit the public, and that the bill in its present shape would entail ruin on a large class of honest and respectable tradesmen, he should give his vote for the amendment.

Mr. Monck read an extract from the report, to show that the committee had stated that disgraceful practices existed in the beer trade.

Mr. C. Calvert said, there was not a word in the evidence to bear out the assertion. There was no such practice as that of brewing two sorts of beer, one for the free houses, and the other for the brewers' houses.

Mr. Denison thought the country indebted to the right hon. gentleman, for having introduced a measure, the object of which was to supply the public with a better commodity at a cheaper rate. At the same time, it ought not to be forgotten, that it was calculated to injure a great body of industrious individuals. A large capital had been embarked in the beer trade, on the faith of existing acts of parliament. Why should not the vested rights of this class of tradesmen be considered? The hon. member for Abingdon did not object to the measure in toto. He had merely recommended a committee which might inquire into the whole subject, and endeavour in the next session to reconcile the interests of the publicans with those of the public. He should, for these reasons, vote for the amendment.

Mr. Wells was certain, that no London brewer would condescend to sell different sorts of beer to different classes of his customers. He was satisfied that this measure would not only be ruinous to a numerous class of tradesmen, but of no advantage to the public.

Mr. Curteis expressed his determination to vote for the amendment.

Mr. Mansfield said, it was his intention originally to have voted against the bill; but it had been so modified, as to remove the objections which he had to it. As it now stood, it would enable the labouring classes to drink a better commodity at a greatly reduced price.

Mr. Butterworth observed, that great injury to public morals would arise from allowing persons to assemble for the purpose of drinking beer without the control of magistrates.

The House divided: For going into the committee 99. For the amendment 32.

The bill was then committed.

COUNTY COURTS BILL.] Lord Althorp having moved, "that the bill be now read a third time,"

Mr. Scarlett rose to oppose the passing of the measure. He gave full credit, he said, to the noble lord with whom it had originated, for talent and intention; and he was far from wishing to oppose any course which tended to the cheap and easy recovery of small debts; but he thought that the bill, in its present shape, was decidedly objectionable, and that if it went to get rid of some evils, it created evils which were greater. In the detail of the measure there were circumstances to which he objected. In the first place, it would entirely destroy the existing county courts. Those courts were held at present by the clerks of the peace for counties; but the fees taken in them were so trifling, that when the business was diminished, there would be no fund left sufficient to repay a competent person for doing the duty. This objection, however, he did not rely upon in so late a stage of the bill; nor even upon several others, which might fairly be taken to its operation in practice. The strong ground upon which he opposed its being read a third time, was his aversion to the principle upon which it proceeded. The effect of the bill was, to introduce into general practice that principle of examining parties in their own causes, which was most abhorrent to the

spirit of the English law. The effect of bills of discovery, as they were called, in the court of Chancery, proved the mischief of this course, and the impossibility of trusting to men's consciences where their interests were concerned. Those bills were intended to extract a knowledge of the facts of the transaction in question; but it was notorious that they showed nothing more in general, than the manner in which the respondent meant to shape his case. He objected to the operation of the bill in this view, as becoming a mere inducement to, and bounty upon perjury; and he opposed it still more decidedly upon the ground that, without sufficient necessity it threw twenty new places, of 800*l.* a year each, into the patronage and influence of government. He contended, that all the material advantages sought by the bill might have been obtained by a mere revision of the existing system of county courts jurisdiction, and an extension of the powers of those courts to claims not exceeding 5*l.* As those courts now stood, the writ of justices gave them jurisdiction to any amount, and in the county of Lancaster 3,000 causes under that writ were tried upon an average every year. He conceived that by improving the condition of the county courts, and confining their ordinary jurisdiction to claims of 5*l.*, allowing the sheriff to appoint his assessor (either a respectable solicitor or barrister) for a term, or from year to year, much more would be gained, than by the bill before the House. He was decidedly hostile to bringing the decisions of courts of conscience into common usage, upon claims so high as 10*l.*; and no less so to the making up of twenty new judgeships, to increase the influence of the Crown (which was already at least sufficient) with the bar. He would therefore move, "that the bill be read a third time this day six months."

Mr. *Sykes* said, he was not disposed to throw any unnecessary powers into the hands of government, but, looking at the immense benefits to be derived from the bill, he could not consent to its being thrown out. The revision of the existing county courts suggested by the learned member did not meet the main object of the present measure; namely, that of bringing justice home to men at their doors. A farmer in Yorkshire might now travel, even to a county court, a hundred miles, and carry an attorney and witnesses with him, to recover a debt of 5*l.*

Mr. *J. Williams* contended, that the measure, besides being inadequate to the objects proposed by it, would have the effect not only of adding to the influence of the Crown (already too great), but of destroying the independence of that profession to which he had the fortune to belong. If the independence of the bar was of importance to the country, he implored the House to pause before they gave their sanction to this bill. Here was a measure which held out twenty lucrative places to young men of five years standing. If a calculation made a few days ago were true, one half of the barristers in England held appointments. Add, then, to these this fresh bait of 800*l.* a year to twenty gentlemen, who, from their standing, were least likely to resist the temptation, and it would be ridiculous to look any longer for independence at the English bar. He felt these objections so paramount to every other consideration, that he must support the amendment.

Mr. *R. Smith* thought the House would acquit the noble mover of the bill of any intention to increase unduly the influence of the Crown; but the truth was, that it was better to give the patronage of the places in question to government at once, in its responsible capacity, than to leave them to be got at by jobbing.

Lord *Althorp* admitted the difficulties with which the case was beset. As there were 150 places, however, already in the power of the Crown, to be given away among 300 practising barristers, the additional 20 would not materially increase the influence of government with the bar. The noble lord cited the recent case of a motion in the court of Common Pleas, "*Emery v. Browne*." In that case it appeared, that a poor widow had sought to recover a debt of 4*l.* 10*s.*, and had desired an attorney to write a letter to her debtor. The attorney had brought an action and gone to trial; and a verdict had passed for his client; upon which he had arrested her, at once, for costs to the amount of about 95*l.*, and for that sum she had lain in gaol ever since July last. Nothing could be worse than the system under which it was possible for such a circumstance to occur; and he trusted that that system would have an end, by the bill being read a third time.

The amendment being withdrawn, the bill was read a third time.

Lord *Althorp* said, he saw no necessity for compensation; and it seemed quite

premature to grant it before inquiry had shewn that it was merited. The quantum of injury to individuals holding particular offices ought to be ascertained in the first instance. He proposed, therefore, to leave out the whole of that part of the bill which gave compensation.

The *Attorney-General* thought that as the House had decided in favour of the clause of compensation, it ought not now to be called upon to exclude it. He had no knowledge of more than one of the parties whose names were introduced into the bill; but their offices had all the characteristics of freehold property. If a great public work were to be undertaken; if docks were to be excavated, or bridges to be built; persons having freehold property which was injured, had an acknowledged right to remuneration. The same reasoning applied to the bill upon the table; and he adduced the authority of the Finance committee to show, that the holders of freehold offices, for which they had given valuable consideration, had a just claim to indemnity. He found the clause he had proposed in several preceding bills; particularly in one for regulating the court of Exchequer in Ireland. These fees were freehold property, as much so as the estates of gentlemen in that House; and the right to them had been purchased under the sanction of the law. If the whole jurisdiction of the bench were abolished, it surely must be evident, that a compensation ought to be made to the officers; and as this bill went to take away part of the jurisdiction, there was a right to compensation, as far as the emoluments were destroyed.

Mr. *Bright* admitted, that there might be precedents, both modern and ancient, for the proposition of the learned gentleman; but surely the House could not consent, on account of precedents, to give up its inherent power and right to modify the judicial institutions, without being bound to consult the convenience of those who held offices, which could only be properly held for the public advantage. But, were there not precedents also on the other side? What compensation did the legislature award to those who lost their fees and emoluments by the reduction of the Star Chamber? As to the particular clause, it had been brought in late in the proceedings on the bill, and contrary to the best practice of the House. The proper place for the discussion of it would have been in a committee, where the pow-

er of inquiry and the facilities for investigation were greater than in any other body in the state.

Mr. *N. Calvert* also objected to the clause. It had been got up in haste, and names had been inserted at random.

The House then divided: For the amendment 41; Against it 47; Majority 6. The bill was then passed.

HOUSE OF LORDS.

Tuesday, May 25.

JOINT-STOCK COMPANIES—STANDING ORDERS.] The Earl of *Lauderdale* rose to move that the House be summoned for the purpose of taking into consideration the Standing Orders, with the view of proposing an addition to their number. The object of the standing orders he intended to move would be, to provide against mischief which was now going on with respect to Joint-Stock Companies: at least in so far as to take care that the companies of that kind should not be incorporated, without an assurance of their possession of a suitable capital. This was particularly necessary with regard to all such associations. Those which had for their object the making of canals, aqueducts, roads, or bridges, must always have a certain amount of capital in operation to enable them to carry on their works; but that was not the case with corporations for charitable, for gas-making, and for other purposes; because, with respect to them, it was possible that no part of the subscriptions of the individuals belonging to the company might be paid. He intended to move the addition of two resolutions to the standing orders—one relating to bills for incorporating companies by act of parliament, the other to cases in which companies already incorporated by royal charter applied for an extension of their privileges. By the first resolution he would propose, that every bill enabling persons to make any turnpike-road, aqueduct, tunnel, canal, or bridge; every bill for lighting, paving, watching, or cleansing any city or town, giving to the persons therein mentioned the right of suing or being sued; and every bill for any other purpose conveying to any number of persons such rights, should, after being read a first time, be referred to a committee, and should not be read a second time until that committee report it to be proved, that fourth-fifths of the capital of the said company is paid up and deposited in the

Bank of England, or invested in Exchequer bills or other securities. The object of the second resolution would be, to order that no bill brought in for granting further privileges to a company already incorporated by royal charter, should be read a second time, until it be proved, on reference to a committee, that the debts are paid, and that the individual proprietors have so far paid up their subscriptions, that four-fifths of the capital is deposited, and in the possession of those who have the management of the company under the royal charter.

Their lordships were ordered to be summoned to-morrow, to consider of the said resolutions.

HOUSE OF COMMONS.

Tuesday, May 25.

EQUITABLE LOAN SOCIETY BILL.]

Mr. *Mansfield* presented a petition from certain Pawnbrokers of Leicester, praying that this bill might not be passed into a law : at least, not before the petitioners had been heard by their counsel against it.

Mr. *S. Whitbread* presented a similar petition from 97 pawnbrokers of London and Southwark. The hon. member moved, that the petitioners be heard by counsel against the bill.

Sir *J. Graham* said, that the committee on the bill had already closed their labours and were about to make their report, and the hearing of counsel would only protract their sitting unnecessarily.

Mr. *S. Whitbread* said, he should persist in the motion, and could not help expressing a hope that the hon. member for Aberdeen would persist in his motion, for preventing any member having an interest in a private bill from sitting on a committee upon it.

Sir *F. Burdett* said, it appeared to him that great injustice would be done if the petitioners were not allowed to be heard by counsel against the bill. He looked with extreme suspicion at those companies where there was a pretence of benevolence mixed up with them. There was a kind of benevolent trading about them which he did not like. Some of the original subscribers, he understood had already turned their benevolence to good account, by selling their shares at a considerable premium. He was the more induced to look at the bill with jealousy, because it was directed

against a class of persons who were, in some degree, obnoxious to the public. Pawnbrokers were, he knew not why, considered as unfair traders ; and it was said that they made exorbitant profits. They were placed under greater restrictions than any other class of traders ; and it was absurd to talk of their making exorbitant profits, when their business was open to the competition of all ; as all trades should be. Under these circumstances, he thought that the measure should be better considered before it was passed into a law.

The petitions were referred to the committee ; and counsel were ordered to be heard on the report of the bill.

LIBERTY OF THE PRESS IN INDIA.— PETITION OF MR. BUCKINGHAM.]

Mr. *Lambton* spoke to the following effect :

I rise, Sir, in pursuance of the notice which I gave, to present to the House a petition from Mr. Buckingham, late proprietor and editor of "The Calcutta Journal," complaining of a series of aggressions on the press in India, by the government of that country—a petition which, as it appears to me, deserves the most serious consideration of this House. I consider this petition to be one of great importance, because it involves a question of the deepest interest—I mean the Liberty of the Press ; a question which in every country is intimately interwoven with the best interests and well-being of society ; and which in no country is of more vital importance than in India, where, as I contend, the safety of our empire, and the happiness of the almost countless millions committed to our charge, depend ; not on the continuance of ignorance, and, consequently, of slavery, but on the diffusion of knowledge and education, the surest—nay, the only mode of convincing the native population of the benefits which they derive from our government. It is not my intention to discuss this question at the present moment, with a view to its more general bearings. I shall confine myself, on the present occasion, to the condition of Mr. Buckingham's case ; I shall lay separately before the House the statement of his particular complaint, on which I shall subsequently ground the necessity of entertaining the more general question.

This petition is of very considerable length, and I shall endeavour, therefore, for the convenience of the House, to state as shortly and distinctly as I can, the lead-

ing facts of the case. In the year 1813, Mr. Buckingham left England on a commercial voyage to the Mediterranean, and after remaining some time at several of the ports in that sea, he went from Egypt to Bombay, having been appointed to the command of a large ship engaged in the China trade. While in the prosecution of those commercial pursuits, he was ordered to quit Bombay by sir Evan Nepean, the governor of that island, on the ground of his having obtained no licence from the East India Company. He returned to Egypt, and took the necessary steps to obtain a licence from the Court of Directors, which was obtained for him in England, and forwarded to Bombay, where he went again in the year 1816, and continued engaged in commercial pursuits until the year 1818. The vessel under his charge having been shortly after ordered to proceed on a slave expedition to the coast of Africa, Mr. Buckingham resigned his situation as commander, because he would not engage in a species of traffic which was utterly repugnant to his feelings.

Some time after, Mr. Buckingham being resident in Calcutta, by the advice of several English merchants, established at that place, an English newspaper, called the "Calcutta Journal," having purchased the stock and printing materials of two other newspapers at an expense of 3,000*l*. This paper Mr. Buckingham conducted with so much ability, and to the satisfaction of all classes of the British community of India, that its circulation gradually increased, until it became a property of the value of 40,000*l*. and brought him an annual income of 8,000*l*. He had expended on this paper, since the original purchase, a sum amounting to not less than 20,000*l*. During the whole of that period included between the years 1818 and 1823, the supreme government had repeatedly acknowledged the legality of his residence and pursuits in India, and even entered into a contract with him, in his capacity of Editor and publisher of the Calcutta Journal, for the payment on his part of 4,000*l*. to defray the expenses of the postage of his journal. At this period no censorship of the press existed in Bengal, the restraints which had been imposed on the press by the marquis of Wellesley having been abolished by the marquis of Hastings. The marquis of Hastings made a public declaration of his having removed

all restrictions from the press in India, in answer to an address signed by the chief justice, the judges of the supreme court, the law officers, the company's civil servants, and 500 of the British inhabitants of Madras. This document I consider of so much importance that I shall, with the permission of the House proceed to read it:

"You have observed my exertions to diffuse instruction through the extensive region with which we had become thus suddenly intimate. I cannot take credit for more than the having followed the impulse communicated by every British voice around me. Yes! we all similarly confessed the sacred obligation towards a bounteous Providence, of striving to impart to the immense population under our protection, that improvement of intellect, which we felt to be our own most valuable and dignified possession. One topic remains—my removal of restrictions from the press, has been mentioned in laudatory language. I might easily have adopted that procedure without any length of cautious consideration, from my habit of regarding the freedom of publication as a natural right of my fellow subjects, to be narrowed only by special and urgent cause assigned. The seeing no direct necessity for those invidious shackles, might have sufficed to make me break them. I know myself, however, to have been guided in the step by a positive and well-weighed policy. If our motives of action are worthy, it must be wise to render them intelligible throughout an empire, our hold on which is opinion. Further, it is salutary for supreme authority, even when its intentions are most pure, to look to the control of public scrutiny. While conscious of rectitude, that authority can lose nothing of its strength by its exposure to general comment. On the contrary, it acquires incalculable addition of force. That government which has nothing to disguise, wields the most powerful instrument that can appertain to sovereign rule. It carries with it the united reliance and effort of the whole mass of the governed; and let the triumph of our beloved country in its awful contest with tyrant-ridden France, speak the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments."

After such a declaration from the governor-general, it was naturally considered that the press of India was subject

only to the due restraint of the laws, and trial by jury; especially as many proceedings at law had been instituted by the Indian government against the publishers of alleged libels. It is no slight argument in favour of Mr. Buckingham, that, during the whole period in which he was engaged as Editor of the *Calcutta Journal*, he was never once convicted of publishing any libel against the government, or against private individuals. The marquis of Hastings resigned the office of governor-general in the beginning of the year 1823, and was temporarily succeeded in the government by Mr. John Adam, then senior member of the council, and formerly censor of the press, until the arrival of the new governor-general, who was at that time expected to be the present right honourable secretary for foreign affairs. One of the first acts of Mr. Adam's temporary administration was the revival of a criminal information against Mr. Buckingham which had been filed a short time before, which revival was considered so unjustifiable by sir Francis Macnaghten, the judge then sitting on the bench, that, on its being moved, he declared the whole proceeding to be cruel, illegal, and oppressive. Mr. Buckingham was at this time plaintiff in an action which he had brought against certain individuals who had published a gross libel on his character. While he was thus plaintiff in one case, and defendant in another, Mr. Adam the acting governor-general, took an opportunity of doing what the marquis of Hastings, in the plenitude of his permanent authority, had never ventured to do. He annulled Mr. Buckingham's license to remain in India, and ordered him to quit the country within the space of two months, on pain of being seized if found in it after that period, and sent as a prisoner to England. The reason assigned for this proceeding was, Mr. Buckingham's having published some severe remarks in his *Journal* on the appointment of the Rev. Dr. Bryce, the head of the presbyterian church in India, to the office of clerk of a committee for supplying the government offices in Bengal, with pens, paper, ink, gum, pounce, and other articles. This traffic, Mr. Buckingham considered, and as I conceive very justly, to be quite incompatible with the holy calling of this reverend gentleman, as well as contrary to the regulations of the East-India Company. He thought it impossible for this

reverend gentleman to serve the government offices with stationery, without neglecting his more sacred and important functions. It is remarkable, that this very appointment, for commenting on which Mr. Buckingham was banished from India, was subsequently cancelled by the Court of Directors, and the reverend doctor's conduct, in accepting such an office, has been severely animadverted upon by the presbytery of Edinburgh, as tending to degrade and disgrace the church of Scotland. By this arbitrary proceeding on the part of Mr. Adam, Mr. Buckingham was transported from India without any trial, separated from his friends and connexions, and removed from the superintendence of a property at that time worth 40,000*l.*, but which was immediately deteriorated in value, and which must eventually be totally annihilated. This unmerited punishment has been inflicted on him without his being accused of any breach of the laws, and solely at the arbitrary caprice of Mr. Adam: for I assert that Mr. Buckingham had violated no regulation of the East-India Company—committed no offence against the laws of England—and had been guilty of no one act which could even be entertained in a court of justice.

On the arrival of Mr. Buckingham in England, he applied to the Court of Directors, and subsequently to the Board of Control, for a license to return to India, to retrieve his affairs, which was refused. Mr. Buckingham then instituted legal proceedings against Mr. Adam; but, partly from the death of his solicitor in India, partly from the difficulty in obtaining the necessary documents, and partly from the terror which had spread through all ranks, in consequence of the late proceedings of the Indian government, he has been compelled to abandon this attempt. It might be imagined that the hostility which was entertained by the Indian government against the press would have been satiated by the unwarranted punishment inflicted on Mr. Buckingham. The contrary, however, was the fact. Mr. Buckingham having consigned the property of his *Journal* to an Indo-British Editor, who could not be banished from the country without trial. Mr. Adam shortly after promulgated a regulation, subjecting the Indian press, whether in the hands of British or native editors, to a license, to be granted or withheld at the pleasure of the governor; thus anni-

hilating at once the freedom of discussion which had been extended to the Indian press by the marquis of Hastings. Remonstrances against this regulation were presented to the supreme court of justice in Bengal, on the part of the British inhabitants, as well as of the natives; but it was declared by sir F. Macnaghten, who assumed the whole judicial authority of the court in the absence of the other judges, that it was not repugnant to the laws of England. The attack on the freedom of the Indian press, did not stop here. Mr. Adam, emboldened by success, followed it up by a still stronger measure, prohibiting British subjects, as well as natives, to sell, circulate, or even to lend any publication which the governor might think proper to denounce, on pain of a heavy fine, and in default of payment, imprisonment in the common gaol. Such is the law, or such rather is the despotism which exists in India at this moment, and such it must remain, unless measures are taken by parliament, or by the government of the country, to prevent the evils which must necessarily arise from it.

The petition complains of other instances of persecution, so mean and vexatious in their character, that it seems hardly credible that any government should have condescended to resort to them. It appears that the petitioner was prevented by the government from opening a public library on an extensive scale, which he had formed at a great expense for the accommodation of the Indian public. Immediately after the arrival of lord Amherst fresh operations were commenced against the Calcutta Journal. The first attack was made upon a person of the name of Arnot, a British-born subject, who was forcibly seized and imprisoned in a military fortress, where it was intended he should have been confined until some ship should be ready to sail for England, and thus banish him from the country. However, Mr. Arnot was determined not to submit, and accordingly he applied to the supreme court, and obtained a writ of habeas corpus, and at length, after an able and solemn argument at the bar by Mr. Turton, a gentleman whose talents and character have made him in that country, what he was in this, a most distinguished ornament of his profession [cheers], his imprisonment was declared to be illegal, and he was consequently liberated by order of the presiding judge. Mr. Arnot then determined to take advan-

tage of his liberty, and betook himself to the foreign settlement of Chandernagore; and here again he was forcibly seized by a military officer, in the very presence of the French governor, under a second warrant signed by lord Amherst [hear, hear], and placed as a prisoner on board a ship in the river Hooghly, not bound direct to the united kingdom, but going round by Bencoolen [hear, hear], and was peremptorily refused to be allowed to go in any other ship.

Having thus disposed of Mr. Arnot, it appears that the next step taken was the total destruction of the Calcutta Journal, and on grounds just as barefaced as those upon which the treatment of Mr. Buckingham himself was founded. This was done in the following November, in consequence of an order from the chief secretary for the suppression of the paper. The ground alleged for its suppression was, the publication in its pages of a pamphlet written by an hon. friend of mine, Mr. Leicester Stanhope, who is now gloriously employed in advancing the cause of freedom and of Greece [cheers]. The main object of this pamphlet was, to record the speeches of some of the king's judges and officers in 1819, delivered on the very occasion of voting the address to which I have alluded; and yet it was made criminal to re-publish in this Journal those same speeches which had appeared long before in other papers [hear, hear]. However, shortly after, the government caused it to be made known, that a license would be granted for the renewal of the Journal; but, on what condition? Why, on the condition that its future editor should be one of their own servants [hear, hear!]. Lord Amherst's surgeon was accordingly proposed; but he was objected to, on the ground that he was not sufficiently under their control; and at length a person was found, considered to be unexceptionable in every respect, Dr. Muston, the son-in-law of one of the members of the government, and he was appointed to the situation of editor, with a salary of 1,000*l.* a-year, together with Mr. Buckingham's house, which had been let to an English merchant for 500*l.* a-year [hear, hear!].

Thus we find, that Mr. Buckingham was made to drink the very dregs of persecution. First we find that he was lured by an appearance of liberality to embark his property in this Journal; then a criminal proceeding is taken against him: next

he is banished; and finally, his property is expended in support of principles which he detested and abhorred, and for the exposure of which he had established and supported this very Journal. The last accounts received from India, state, that Dr. Muston is in possession of the Journal. No final answer has been given by the government as to whether they will or will not renew the license; and the whole of the establishment is maintained on full pay, in expectation of a decision. I have endeavoured to confine myself to a clear and distinct narrative of this case, and I trust I have succeeded in making it intelligible without encumbering it with details [hear!]. I shall refrain, on the present occasion, from making any remarks on the general question as to the advantage of a free press in India, and the more particularly, because it is my intention, early in the ensuing session, to call the attention of the House to the subject [hear, hear!]; when I mean to move for the appointment of a committee to inquire how far the existence of a free press is an advantage or injury to our Indian possessions [hear, hear]. At present, I shall confine myself strictly to the case of the petitioner, who has been the victim of the most cruel oppression, not warranted by sound policy or expediency, but arising from a wanton and aggravated spirit of despotism. If such things are allowed to go unredressed, the responsibility of the Indian government is virtually at an end. Those acts of parliament which give the East-India company their power in India will be efficient, only when their profit and dominion are concerned, but powerless when the liberties and properties of Englishmen are at stake—and the grossest acts of tyranny and injustice may, in future, be perpetrated with such impunity, as may ultimately, I fear, endanger the very existence of our supremacy in India [loud cheers]. I now move, Sir, for leave to bring up this petition.

Mr. Wynn said, that the very able manner in which the hon. member had stated the petitioner's case, had rendered the subject even more intelligible than if the whole petition had been read to the House. He should follow the example of the hon. member, and confine himself strictly to the statements in the petition; for he held the general question respecting the press of India to be too extensive in its bearings to be dealt with in a discussion thus incidentally introduced, and when the House

was unprepared for such a question. Whenever that question was brought forward he should be prepared to contend, that the very principles upon which he valued a free press, as the essential safe guard of our government here, made him consider it prejudicial to the British authority in India. With respect to the circumstances stated by the hon. member, he felt great embarrassment on account of the peculiar circumstances in which he was placed with respect to the situation in which Mr. Adam stood, and the measures adopted by Mr. Buckingham. He apprehended that the House of Commons acted upon certain rules in cases of this description from which they never departed; and one of them was this—that whenever a party complaining had the means of applying for redress to the other tribunals of the country, that House would feel very reluctant to interfere. Upon that ground, he thought it would be improper to entertain the subject in that House. But, how stood the case? Had Mr. Buckingham not applied to other tribunals? Had he not entered into recognizances to prosecute this case in an English court of justice? Was it not clear, then, that the matter could not be discussed in that House without the greatest possible injustice? The 21st Geo. 3rd provided, that in case any person complaining of the conduct of the governor-general, or the members of the council should execute a bond effectually to prosecute either by information, indictment, or action, in some competent court of justice, within the space of two years; he should be entitled to a copy of all orders in council, to a commission to examine witnesses, and several other advantages. This course Mr. Buckingham had pursued; and the last he had heard of it was in the month of January, when his solicitor had addressed a letter to the court of directors, stating that he had been instructed to commence legal proceedings against the hon. John Adam, pursuant to a bond which he had executed. The court of directors intimated their readiness to receive any proofs on his part. Was it fair, then, to call upon Mr. Adam now for his defence, which might perhaps, be made hereafter matter of fresh charge, and turned against him in a court of justice? He could only state, that Mr. Adam was perfectly ready to defend himself from any attack; and from his general character, and what he knew of the facts of this case, he was

persuaded that the defence would be completely satisfactory. The hon. member had said, that, up to the time of the departure of the marquis of Hastings from India, there had been no appearance of any complaint against Mr. Buckingham — [Mr. Lambton said, across the House, that no measures had been taken against him.] — But, would it be believed, that no less than five times Mr. Buckingham had been warned against following up the course he was then pursuing? The last letter he had received on the subject was from the secretary to the marquis of Hastings, on the 5th of September, 1822, which letter stated, that if he persisted in the same line of conduct, his licence would be immediately cancelled, and he should receive orders to quit the country. And yet it had been said, that this course was now thought of for the first time by Mr. Adam. The course which Mr. Adam had pursued was perfectly conformable to the act of 1813; which provided, that if any man did an act to forfeit the protection of the Indian government, his license might be revoked, and he himself ordered to quit the country. In this course, not only Mr. Adam, but the entire council agreed — The next point was the regulation issued by Mr. Adam; but into this subject he did not mean to enter, as a better opportunity would arise, when a regular case should have been brought forward by Mr. Buckingham, and heard before the proper tribunal. The House would see, that in this transaction was involved a serious legal question, not merely as affecting the press of India, but touching the right of the government to issue any regulation that had not been previously part of the law of the land. Another part of the statement related to the conduct of lord Amherst towards Mr. Arnot. On this subject he had very imperfect information; but he could not avoid remarking, that the hon. member had omitted a material part of the statement; namely, that Arnot was residing in that country without any license or authority whatever; and by the existing law, it became the duty of government to put an end to his residence there. The act conferred the power of arresting the individual, and putting him on ship-board: and the only question was, whether it also gave the power of detaining the person before the sailing of the vessel? The court determined that it was not lawful, and consequently he was liberated. With respect to the ships

having gone round by Bencoolen, it was not in his power either to affirm or deny the statement; but from the character of lord Amherst, and the estimation in which he was held generally throughout the country, he could conceive nothing more improbable, than that he should exercise any harshness that was not absolutely necessary.

Sir W. De Crespigny bore testimony to the humane character of Mr. Adam. From his knowledge of that gentleman, he believed him to be incapable of behaving harshly towards any one.

Mr. Hume was sorry the right hon. gentleman and the hon. baronet below him had taken the course they had done on this occasion. There was no necessity to adduce testimony to private character, since no private character was assailed. No one had attacked the character of the individual in his civil station; but complaint was made of public acts immediately proceeding from him. After a lapse of two years, during which this transaction had been known, no answer was given to the charge. All the right hon. gentleman said, was, that when a court of justice had decided, then he would be ready to discuss the question. In his opinion, the interests of the whole population of India called upon that House to pronounce an opinion on the great question now brought before them, without waiting till those legal proceedings were finished. The petitioner denied that he had that redress in his power, which the right hon. gentleman contended he had. The agent, who was to have sent over evidence from India, was dead. Mr. Buckingham wished to procure various documents, to follow up with effect the action which he had given security to prosecute. It was impossible to imagine the effect which the exercise of arbitrary power, now complained of, produced in a settlement. In this instance, ruin had followed every person who had attached himself to Mr. Buckingham, or espoused his cause. He hoped most sincerely that the extraordinary power now vested in the company's servants would never be renewed. Why should not the same principles by which Englishmen were governed when they proceeded to other colonies be extended to India? Was it an answer to the injustice of the existing system to say, that the governor general had the power to send any person he pleased out of the country? He denied that he had

the power to the extent now contended for. Whatever power he had, was granted to him under the responsibility of not exercising it harshly. But it was said, that Mr. Adam's case had not been heard. He maintained that it had been heard. It had been drawn up by himself, and sent home to every member of the court of directors. He (Mr. H.) had read it, and he must say, after all Mr. Adam's colouring, that he had made out no case whatever. Mr. Adam's conduct, he would assert, proceeded from premeditated malice against this individual. Mr. Buckingham had been ruined in his prospects, and a property of 30,000*l.* had been destroyed. It could be proved, that Mr. Adam had declared, if ever he had the power, that he would send Mr. Buckingham out of India. Were the government to act in one way towards one paper, and adopt a different course towards another? Were they to allow a particular paper to malign every person the editors thought proper and when an individual stood forward and stated the truth, was he to be treated like a felon and sent out of the country? He had resided long enough in India to know what good might be produced by the liberty of the press: and he had no hesitation in saying, that Mr. Buckingham's proceedings operated beneficially for India. It taught the English in that country to state their opinions on passing events, when they saw that those events were contrary to the interests of the public. When government misconducted itself, gentle hints were given which produced very salutary results. The House ought to know that there was in India a paper called the "John Bull," which was absolutely set up by the servants of the government. The secretary of the government and other persons in office were connected with it. The "John Bull" in England, bad as it was, did not equal its namesake in scurrility. The government always disclaimed any connexion with the "John Bull," in England; but the connexion between the Indian government and the "John Bull" there, was well known. It was set up by the secretary of the Bengal government, assisted, he believed, by Mr. Adam himself, for the purpose of writing Mr. Buckingham down; but the moment he attempted to rescue his character from the gross abuse that was heaped on it, he was treated as a criminal. Mr. Buckingham claimed no exemption. All he said was, "If I have

erred bring me to trial. Let the criterion of my conduct be the verdict of my countrymen." Mr. Buckingham was prosecuted, and he was acquitted. What did he then do? He brought an action against the editors of the "John Bull," and the moment he had taken that step, means were devised to send him out of the country. The right hon. secretary for foreign affairs must feel greatly surprised at this statement. He was convinced that the right hon. gentleman, when at the head of the Board of Control, would not have authorized such proceedings. His conduct in that office had been most liberal. When 23 out of 24 of the directors came to the resolution of rescinding the regulations of the *marquis* of Hastings with respect to the press in India, for the purpose of restoring the censorship, and sent that resolution to the Board of Control, the right hon. gentleman locked it up, and there it remained still [hear]. That House ought immediately to take into its consideration the evil of suffering such arbitrary power to exist. They ought not to allow this system of uncontrolled and lawless power to be continued. He entreated gentlemen, before this subject was again discussed, to read all the documents connected with it. He ventured to say, those documents would prove that the greatest disregard was paid by the Indian government to the feelings, opinions, and remonstrances of Englishmen. That government wished to enforce silence with respect to all their proceedings, and therefore the press was shackled. What would England be if she had not a free press? In that case the government might go on as they pleased, without animadversion or observation. The rights of English subjects, and also of native subjects, were compromised by this system. The natives of India were hourly becoming more intelligent. As a proof of this fact, he wished gentlemen would read the address of Ram Mohun Roy, a learned native, in favour of a free press. But that was an object of which the government seemed to be afraid; and, in proportion as they cramped the energies of the press they retarded all improvement. So long as Mr. Adam lived, the circumstances which had been that night disclosed would not be considered as reflecting any credit on him. The *marquis* of Hastings would not have acted thus; his mind was too enlarged. He was sorry to say that the commencement of lord Amherst's ca-

reer did not augur well for the future government of India. The hon. member then ridiculed the inconsistency of the Indian government with respect to the regulation of the press—there being one set of regulations for Calcutta, and another for Madras, and a third for Bombay; and concluded by condemning a power, which not only enabled the governor-general to send a man out of the country because he printed something which did not please him, but also authorized him to prevent the importation of the “*Edinburgh Review*,” or any other work of which he did not approve.

Mr. *Astell* said, that the object of the hon. gentleman who presented the petition was, to point out Mr. Buckingham as a much injured individual, and to fix on Mr. Adam the charge of having acted from premeditated malice. Now, he would show, that Mr. Buckingham’s deportation did not originate in malice on the part of Mr. Adam. The hon. gentleman had traced the history of Mr. Buckingham down from 1818. He was then at Bombay; and, not being licensed, the government would not allow him to remain. He, however, was anxious to stop in India; and, no sooner were his wishes made known, than the directors granted him a license as a free mariner. A free mariner, he would observe, was a person who was allowed to navigate from port to port in India, to proceed upon his lawful business as master or mate of a ship; but the license did not give him the right to remain on shore. Mr. Buckingham went out as a merchant, and in 1818 he again returned to India. In November, 1818, he became editor of the “*Calcutta Journal*,” and in May, 1819, he was warned by the government of Bengal, that he was liable to be removed, on account of certain articles which had appeared in his paper. On that occasion he expressed sorrow for having forfeited the countenance of the government, and the matter was passed over. In January, 1820, he again transgressed, and he a second time made an apology to the government. In November, 1820, he published a paragraph of so offensive a nature, as caused a fresh warning to be given, and he found it necessary once more to throw himself at the mercy of the government. In July, 1821, he was again informed, that he had incurred the displeasure of the government by the publication of an improper article. During all this period,

the marquis of Hastings was governor-general in India; and yet they were told of the malignant feeling of Mr. Adam, as if he alone had disapproved of Mr. Buckingham’s proceedings. When, in July, 1821, he attacked the government of Fort St. George and the bishop of Calcutta, he once more received warning. But, persisting in the same line of conduct, it was proposed to withdraw his license, and send him home. That proposition was supported by three members of the council, which consisted of the governor-general and three civil officers. The marquis of Hastings, however, disagreed with the council; and exercising the power with which he was entrusted by the act of parliament, he, from a feeling of lenity, refused to sanction their decision, and Mr. Buckingham was allowed to remain. The council, however, passed a severe censure on his conduct; and it was determined, if he again misbehaved, that he should be sent away. He again transgressed, and in punishing that transgression, what had Mr. Adam done but followed up the declaration of the council, by exercising the temporary power that was placed in his hands? And it was the more necessary that he should use that power, because it was temporary; lest the interests confided in him should suffer under his government. It was said, that his allusion to the case of Dr. Bryce was the only reason for sending him away. That was not the fact. Mr. Buckingham was sent home because he had been repeatedly warned. The last trespass, calling for the interference of the governor-general, must of course occur, and that trespass happened to be the animadversions on Dr. Bryce. The governor-general then found it necessary to support the authority which was vested in him, and he did that which he was bound to do. Therefore Mr. Buckingham was not an injured individual, and the same justice ought to be done to Mr. Adam which gentlemen opposite had endeavoured to do with respect to Mr. Buckingham. It was not reasonable, it was not equitable, to enter on this subject at the present moment, when Mr. Adam was on his trial. The case of Mr. Arnot was different from that of Mr. Buckingham. He was residing in India without any license whatever, and therefore he might be removed at any time. Though the judge said, in his case, that it was not legal to keep him in custody before he was put on ship-board, i

should be recollected, that another chief justice, sir William Jones, had held a contrary opinion. The hon. member had said, that of all other places, the freedom of the press was most necessary in India. On that point, he begged leave to say that he dissented entirely from the hon. member.

Sir Charles Forbes begged the attention of the House to the contents of two letters which he had received from a very intelligent and most respectable British resident at Calcutta, Mr. John Palmer, on the subject of the treatment that Mr. Buckingham had met with. With respect to the great question of the freedom of the press in India, he (sir C. F.) was not then prepared to say, that under all the circumstances, he would give his support to a wholly unrestricted press in that part of the British dominions. At the same time, he had no hesitation in saying that the present restrictions on public discussion, were as unnecessary as they were impolitic. It was indeed too true, that the governments in India were apt to look with considerable jealousy at any public discussion of their own acts. They considered it the height of arrogance and presumption in any person to dare to comment on what they thought proper to do. But, the extraordinary power of deportation was what he most complained of. And yet, it was too frequently held out as a menace, not alone to British residents, but to the natives of the country living under British law. He had known a native merchant menaced with the punishment of deportation on no other imputation than that of having made a beneficial bargain with the government of Bombay, and having refused to abandon his contract at the mandate of the government. With a spirit worthy of a man who valued the security of British law, the native of Bombay addressed himself to the governor of the presidency in these words:—"I have been threatened, without offence, with being sent away from this island. That such an order is untrue, I believe, for I know it is inconsistent with the rights of Englishmen, and the laws under which you govern." One word more on that tremendous power of deporting men from India. That power was originally granted with the view of preventing improper persons from getting into the interior of India and tampering with the natives. He earnestly intreated the hon. member who had introduced the present question

with such perspicuity, to follow it up with other measures, so as to protect the people of India, both British and native, from a state of insecurity at variance with every principle of British law. Of Mr. Buckingham, the petitioner, he knew nothing, but from the correspondence of Mr. Palmer, a gentleman whom he highly respected, and in whose assertions and judgment he placed the fullest confidence. The hon. baronet here read the following extracts from letters which he had received from that gentleman:—"Calcutta, March 1, 1823. I present my friend, Mr. Buckingham, the Editor of the 'Calcutta Journal,' to your notice and friendly offices, under a full persuasion that your judgment of him, upon acquaintance, will justify the liberty I assume in recommending a banished man to you. The whine about the hazard of free discussion in this country, will receive your contempt whilst you will be satisfied that infinite benefit must result to the true interests of all societies from its indulgence."—"March 17. I have recommended Mr. Buckingham to a few of the East India directors, without fear of being considered an incendiary, a rebellious or discontented spirit. I am satisfied of the salutary influence of a free press every where. I believe the 'Calcutta Journal' has done much good, and was doing more. I request your notice of Mr. Buckingham, who, I believe, in spite of all sorts of calumny, to be worthy of your good offices and protection. Mr. B. got very inadequate damages yesterday, in an action for libel against the Bullites, though the judge spoke of their malice with abhorrence."

Sir F. Burdett commenced his speech, by deprecating, in the strongest terms, the wanton act of tyranny which had been committed against Mr. Buckingham. That gentleman's case, he was bound to say, struck him as one of the most cruel that had ever come before the House; and his principle motive for rising was, to entreat his hon. friend near him, not to rest contented with pledging himself, in the next session, to discuss the general question of a free press for India, but to give the petitioner, during the present session, the advantage of his talents, in a motion specifically directed to the hardship of his case. The question before the House resolved itself into two considerations. There was the great question of a free press in India; but first came the obligation of investigating the severe

hardships of the persecuted petitioner, and the violent conduct of the temporary governor of India. The latter stood distinct, and it became that House, as it valued the security of every man in India, to make the necessary investigation. He could place no confidence in that commonplace apology of all governments, in which the right hon. the president of the Board of Control had laid such stress; namely, that the House of Commons ought not to interpose, because proceedings at law were pending between the aggrieved and the aggressor. Such proceedings should not prevent that House from inquiring into an act of violent and arbitrary conduct committed by an individual in authority against the liberty and property of a British subject. The hon. director, who said much as to Mr. Buckingham's acts, but, as it struck him, with very little effect, had talked of the repeated warnings the petitioner had received from the Bengal government. He was warned, forsooth, of this and the other offence that the government observed in his writings as an editor. No doubt the comments of a public writer were not often palatable to those whose acts were commented upon. No doubt, there were epistles upon epistles, and they were most probably urged and repeated when the editor was fairly, properly, and most laudably employed in exposing their very proceedings. Those warnings were no proof of offences against law. Of the character of Mr. Adam he knew nothing, except from the present transaction; but, upon that evidence, it seemed, that this violent act had been committed towards Mr. Buckingham, because he had commented, perhaps most properly, upon the conduct of the government of India, and had found fault with an appointment made by Mr. Adam, which the board of directors had afterwards thought proper to rescind. Then, the question for the House was, not merely whether Mr. Adam had exceeded the letter of his power, but whether he had exercised that power with due temperance and discretion—whether he had used the authority fairly, for the purposes to which it was intended to be applied—and further, whether the power itself, however exercised, was not one which demanded censure and recall? Let hon. members look at the situation in which Mr. Buckingham was placed. Whatever offence he had committed against the existing government of India,

he had been actually entrapped into, by the appearance of a more liberal policy in a former governor, who had, in fact, looked upon a free press as a probable benefit rather than a mischievous engine in India. Here lay the danger, let it be observed, of arbitrary governments. Men were safe in no one line of conduct, let them pursue what line they would. Right or wrong was a question of individual feeling. What was right to-day, might be wrong to-morrow. A change of the governor was a change of the law. Nay, a change of the governor's opinion had an operation equally sweeping. And this led him to say one word, whether he would or no, upon the common condition of British subjects in our territories in India. If it was really an object with England to encourage a free trade with India, her first act ought to be to give every English resident there the full benefit of English law. If ever we were to derive any real benefit from our Indian possessions, it must be by the abandonment of that system of despotism, which pressed upon the natives of the country not more hardly than upon the English who were tempted there in pursuit of fortune. He would not occupy the time of the House by dwelling at length upon topics, for the discussion of which more ample opportunities would arise. The object before the House at present was, the relief of a particular individual, whom he considered to have been treated with a cruelty unmerited, and almost unparalleled. Situated as Mr. Buckingham had been, the most incessant anxiety to conform himself to the regulations (however slavish) imposed upon him, would have been insufficient to ensure his security, no charge of any description, but that he had neglected certain warnings, was made out against him; and for this neglect, his property, and his prospects in life, were to be destroyed. The argument, that the matter was already in a course of legal discussion, seemed to him to have no force whatever; and he should sit down with again pressing it upon his hon. friend the member for Durham, to bring on the consideration of the petitioner's case in a distinct motion without delay.

Mr. Secretary Canning said, that he did not rise to detain the House by any discussion on a topic which, by common consent, was reserved for a distinct consideration. The House would agree with him, that the great question of the liberty

of the press in India, and the nature of our colonial policy, were subjects not of a character to be discussed on a merely incidental question. The hon. member who presented the petition, and the House, must feel, that if the present question was followed up by any other proposition, the effect would be, in a case actually pending in a court of law, to prevent the due and equal administration of justice. As to the power under which the governor-general acted, it might be a question whether it ought or ought not to continue; it would be a fit subject of discussion, whether the rigours of such a power might be put an end to or modified; but it was undeniable that it was a power, and the only one, which was given to them to exercise in certain cases, under the existing law. The system might be wrong; but the House should see, that while they condemned the system, they did not go still further, and condemn the governor-general for his conformity with that system. The fault was not in the governments of India; it was not in the directors; it was in the law of the land—it was the uniform practice, in our relations with that great anomalous and astonishing part of our Empire—our Indian possessions. With respect to what had been described, in strong language, as transportation of the individual, it was the course which a positive act of parliament had pointed out to governors-general, and which had been, under the emergency, uniformly practised. But, the act by which the power of punishment was thus given, was accompanied by another act, which afforded to the individual suffering unjustly the penalty of the law, the means of obtaining redress. The case then was this. The governor-general of India had applied to an individual the punishment prescribed by law for the offence of which it was alleged that that individual had been guilty. Undoubtedly, if an individual was subjected, without cause, to the punishment of the first act, he was a most injured person; but then parliament had provided, in the second act, the means by which he might vindicate himself. That was the statement of the general principle. The statement of the facts of the particular case was this. By the act to which he had already alluded, which gave the power of obtaining redress to those who were unjustly subjected to the operation of the penal law, Mr. Buckingham had the means of bringing his case, not before

an Indian, but before a British tribunal. To that course he had determined to resort; and, in furtherance of that determination, he had entered into the proper securities in order to obtain the necessary documents and evidence, and had commenced legal proceedings against Mr. Adam. In that state of things, what show of justice or equity would there be in that House interfering in the present case, any more than there would be in interfering between any other individuals in legal contest in the court of King's Bench? It was, therefore, that without entering at all into the merits of the case, but on the simple showing of the petitioner himself, it appeared to him to be utterly impossible that the House should interfere upon the subject, until a decision had been come to respecting it in a court of law. But, at the same time, he perfectly agreed with the hon. baronet, that whenever the subject could be properly and effectually taken up by parliament, it ought to be so taken up, in order to see what the power which the law gave to the authorities in India was, and to determine, without any regard to the question, whether that power had been well or ill used; if it was a kind of power which ought to be continued. He was quite prepared to agree with the hon. baronet, that such an inquiry as that, whenever the proper time should arrive for entering upon it, would be highly expedient and serviceable. But he was not prepared, under pretence of discussing that which was unquestionably a great constitutional question, to discuss collaterally the case of an individual, which case, in the situation in which it stood, could not properly come under the view of the House. The hon. member for Aberdeen had observed, that he (Mr. C.) had seemed to express some surprise at a passage in the speech of the hon. gentleman, by whom Mr. Buckingham's petition had been presented to the House. Undoubtedly, he did express surprise at that passage; for it was one well calculated to excite surprise in his mind. It was the passage in which the hon. member spoke of the tyranny of lord Amherst. Such a charge was new to him; and novelty was apt to produce surprise. To hear that lord Amherst had become a tyrant did not astonish him much less than it would have astonished him to hear that he had become a tiger. He trusted he was open to conviction, whoever might be the party concerned

but he certainly had listened to that part of the hon. member's statement with very great incredulity. Power certainly changed men sometimes. It was possible that the most mild and forbearing nature that he had ever known in his life might have become savage and ferocious by transportation to another climate. But if it did so turn out, it would be one of the most extraordinary physical phenomena that had ever come within his knowledge. And, all personal feeling apart, there were parts of the case, besides that which referred to the conduct of lord Amherst, which excited his surprise. The conduct of the marquis of Hastings, and his intentions with respect to India, seemed to be a good deal mistaken; and it was necessary that the error should be set right. It seemed to be imagined indeed, that the marquis of Hastings had at once, in a fit of zeal, thrown down all the guards by which the press of India, up to the time of his administration, had been fettered; and that he had absolutely instituted prizes for the discussion of the most delicate subjects, in the freest way, all over the country. Now, the fact was, that the marquis of Hastings had done no such thing. He had abolished the old mode of restraint; but he had introduced a new one scarcely less effective. And therefore the question submitted to him (Mr. C.) as President of the Board of Control, had been, not whether there should be restraint, or not, upon the press in India, but whether the old form, which, without telling any tales, he might now say the directors had been desirous of restoring, should be re-introduced, or whether the scheme substituted by the marquis of Hastings should have a fair trial. From the draught which the directors had sent up upon that occasion, he had certainly, for a time, withheld the approbation of the Crown. He had given no directions for taking off the censorship—the course which the marquis of Hastings had pursued; but he did not hesitate to say that after it was off, he had thought the new scheme might as well have a fair chance given it of success. The accounts of what the marquis of Hastings had done with respect to the press, had arrived, he believed, in the year 1819. In the spring of 1820, the draught of the directors, setting out the old mode which they wished to restore, had been sent up; and he had withheld the sanction of the Crown from it until the end of that year, when

he ceased to be interested in the arrangement. For himself, therefore, he certainly had been desirous that the new system should be tried; but, before such unqualified praise was given to him for approving of that system, or to the marquis of Hastings for inventing it, it would be as well that the House should know what the system of improvement was. The regulations which were established by lord Wellesley, and which the marquis of Hastings had found in force when he went over, ran thus:—"1. Every printer of a newspaper shall print his name at the bottom of the paper. 2. Every editor or proprietor of a newspaper shall deliver in his name and place of abode. 3. No paper shall be published on a Sunday. 4. No paper shall be published at all, until it has previously been inspected by the secretary of the government, or some person authorized by him. 5. The penalty consequent upon the disregard of any of the above regulations, shall be the immediate embarkation of the offender for England." Now, in lieu of this censorship, the following regulations had been established by the marquis of Hastings, which did not, the House, would see, set the press at liberty altogether. "The editors of newspapers are prohibited from publishing any matter under the following heads.—1. Animadversions on the measures of the court of directors and other public bodies connected with the government in India. 2. Also all disquisitions on the political transactions of the local administrations. All offensive remarks on the members of the council or the supreme court, and the lord bishop of Calcutta; and all discussions having a tendency to create alarm or suspicion among the native population of any intended interference with their religion. 3. Also the republication, from English or other newspapers, of any matter coming under the above heads, calculated to affect the security of the British power or reputation in India. 4. Also all scandal or personal remarks on individuals tending to excite discord and animosity in society." Now, certainly, the panegyric was a little too wide which said, that the marquis of Hastings had intended to do away entirely with the existing restrictions upon the press, and substitute uncontrolled and unlimited discussion as a system throughout India. He hoped he was not saying too much, when he declared, that were he possessed of power which nothing could control

but the press, and were that press as limited as it had been limited in India by the marquis of Hastings, he should certainly entertain no apprehension of its restraining influence. In destroying the illusion which existed on this subject, and in making what might be considered a self-sacrifice, he begged not to be understood as expressing his approbation of the regulations which he had just quoted. He did not wish what he had said to be construed into an approval either of those regulations, or of the regulations for which they had been substituted. The question which had been put to him was—the censorship having been destroyed, and other regulations established in its place, whether it was worth while to send peremptory orders to India to destroy the new regulations, and to renew the censorship? His answer had been, that he did not think it worth while. If it had afterwards appeared to him, that the new regulations were more offensive, and less effectual than the censorship, he should certainly not have interfered to prevent the renewal of the latter; but as he soon after went out of office, it was impossible for him to say what might have been his ultimate decision. What was the inference which he wished the House to draw from all this? Not that they should express approbation of either of the systems in preference to the other. But, surely, gentlemen of all parties would allow, when it appeared that two such minds as those of marquis Wellesley and the marquis of Hastings—men as virtuous and honourable as they were great and dignified—as much attached to the principles of liberty as the most enlightened statesman that ever lived—concurred in the necessity of some control over the press in India, he would not say that their judgment should be subjugated to that of those distinguished persons, but that they might well pause before they declared that the marquis of Hastings ought to be condemned for the course which he had pursued. What he had stated were the authorities on which he founded his opinion; and he was sure that the hon. gentleman who had introduced the subject with so much temper and ability, would not say that they ought to be put out of the question. What the decision might be on the particular case under consideration, he would not anticipate. In his opinion, it neither would be nor could be decided on abstract principles. It must be looked at with reference, not

to the happily enlightened state of this country, but to those modifications which belonged to a state of society not merely different from our own, but which had no resemblance in the whole world. In such a country, and under such regulations of the press as he had described, Mr. Buckingham had done that which he (Mr. Canning) would not characterize. His conduct must be judged with reference to the law under which he lived at the time, and not with reference to the law by which, happily, we were governed. As to Mr. Adam, with that gentleman, he had no personal connexion. But he should be doing great injustice to him, if he did not say, that he was a man who had raised himself by his meritorious conduct; a conduct, the value of which had been acknowledged by the successive individuals who had held the government of India, and who had, therefore, the opportunity of witnessing and appreciating it. He could truly say from experience, that in situations of great difficulty he had known that gentleman exert himself in the most manly and creditable manner. If he were to judge of Mr. Adam's general character from his conduct as a public officer, he would say, that he was a man evidently determined to act honourably and uprightly, cost what it would. Mr. Adam might, in the pursuit of what he considered a just object, have been guilty of violence and oppression in the exercise of the temporary authority with which he was invested. If so, he was in that course of trial which parliament had appointed to take cognizance of such misdeeds; and should he be proved guilty, God forbid that he should not be visited by the punishment awarded by law to such an offence! But it was impossible that that House could step in with an extra judicial proceeding; and above all, that, while the particular case was under the consideration of a court of law, it should step in to try the merits of that case, and of the general system together. That House, if it entered at present into the investigation of the subject, could not separate the individual case from the system. But a court of law would separate them. It would try Mr. Adam by the law which he was bound to administer; and would consider Mr. Buckingham's case by the law under which he lived. When the individual case should be once out of the way, he (Mr. C.) should have no objection whatever to consent, not only that the

whole question respecting the press of India should be brought under the view of parliament, but that it should also take into consideration the other modifications of the system of Indian government, which the progress of knowledge and the improving condition of the population of our Asiatic empire might appear to demand.

Mr. *Denman* contended, that the concluding observations of the right hon. gentleman who had just sat down, and the opening observations of the right hon. the president of the Board of Control were founded on a complete fallacy. The right hon. gentleman had mistated both the law and the fact. He seemed to suppose that Mr. Buckingham had contravened the law, and that it was in consequence of that contravention he had been expelled from India. That was not the fact. Mr. Buckingham had contravened no law; he had not even contravened the *marquis of Hastings's* regulations; for their existence was not known when Mr. Buckingham published in the *Calcutta Journal* that which had occasioned his banishment from India. But, the great error of the two right hon. gentlemen was, that they supposed Mr. Buckingham was availing himself of the act of parliament, which, it was supposed, prescribed the means by which he might remedy the injustice that he had suffered. When first Mr. Buckingham returned to this country, he had done him (Mr. D.) the honour to ask his opinion, as to the course of proceeding which it would be expedient for him to pursue. If he did not most conscientiously believe that all Mr. Buckingham's legal proceedings were relinquished, he would certainly not support his present petition. If, on the contrary, Mr. Buckingham persevered in them, he would say that he disgraced himself. In the petition which his friend had presented from Mr. Buckingham, the latter disclaimed all legal proceeding. If, after so solemn a disclaimer, Mr. Buckingham should nevertheless proceed, he (Mr. D.) would in no way be legally concerned on the subject. But, the fact was, that the allegation that Mr. Buckingham continued his legal suit, was only one of the reasons which were always discovered by those who wished to get rid of the complaints of any injured individual. Mr. Buckingham had no connexion with the leading members of that House. He had never sat in the same cabinet or at the same table with them. Of course, there-

fore, his remonstrances were met by panegyrics on those whom he considered his oppressors. Every right hon. member was prepared with some ground, founded either on candour to an adversary, or on partiality to a friend, for rejecting any individual case of grievance that might be submitted to the consideration of parliament. The petitioner had declared that he did not mean to follow up any legal proceeding; and yet the House of Commons were, forsooth, to slumber over his wrongs, because it was possible he might be insincere! When was this doubt to end? Was the offence of having once entered into recognizances to be visited on Mr. Buckingham by a perpetual denial of justice? Would the right hon. gentleman believe next year, or the year after, that the intention of not proceeding legally was sincere? To him it appeared, that the petition was one to which the House ought to attend, with reference both to the oppression which the petitioner had suffered, and to the system under which that oppression had been inflicted. Unquestionably, on looking at the act of parliament, which, according to the right hon. gentleman, afforded the means of redress for such injustice as that complained of, he had advised Mr. Buckingham to drop all legal proceedings. The remedy which that act pointed out was merely nominal: it imposed on the person complaining of oppression such a course in proving his case, as rendered all prospect of success hopeless. The governor-general of India was armed with arbitrary power, at a moment's notice, to send out of the country any individual whose newspaper or face, he, or any of the underlings of office, disliked, or with whom he or they had made an improvident bargain: and that individual had no remedy at law, unless he could prove malice and corruption on the part of his oppressor—a thing manifestly impossible, unless the governor-general of India were to be an idiot as well as a tyrant. It was so, also, with regard to the magistrates in this country. The House were every day told, that if those magistrates behaved improperly, redress might be obtained in the court of King's-bench. But, that redress could not be obtained, unless malicious or corrupt motives could be established. And who did not know the difficulty of establishing any such charge by distinct and positive evidence? Greatly as he thought of the liberty of the press, that

formed but a small part of the question under consideration. Undoubtedly, to talk of a press, and that press not free, was to talk of a secret enemy instead of an open friend. But that was not the single question before them. The question was not, why the press was not unrestrained in India; but why, there being laws regulating the press, in the event of any violation of those laws, was not the violator pursued in the proper and regular course of justice? When he heard the hon. chairman of the court of directors talk of the five warnings which Mr. Buckingham had received against the commission of the offence with which he was charged, it naturally occurred to him to ask the hon. chairman why the offender had not been brought into a court of justice? At the time that Mr. Buckingham was charged with the offence in question, he had brought an action, in the Supreme Court against the proprietor of the "John Bull" newspaper, by whom an action had also been brought against him, so that he was in the double capacity of plaintiff and defendant. Yet Mr. Adam had torn him from his business, from his family, from all his hopes, and had sent him to a distant country, where he was ruined, and perhaps on the very verge of beggary. It was horrible to hear of such things. It was horrible to see any thing like an attempt to introduce into this country that Indian atmosphere which he for one was not prepared to breathe. He trusted parliamentary inquiry would be instituted into the treatment that Mr. Buckingham had experienced. It had been considered necessary to submit the conduct of individuals, situated as Mr. Buckingham had been situated, to the judgment of a court of law in India in several instances. If in one, why not in all? Was it not in Mr. Buckingham's favour, that, in the civil action which he had himself brought for a libel on his character, he had recovered damages, and that the revival of the criminal information against him by Mr. Adam was considered so unwarrantable by the judge, sir Francis Macnaghten, that he refused to send it to a jury, and declared the whole proceeding to be cruel, oppressive, and illegal? What reason could be assigned for the existence of so despotic a law as that under which Mr. Buckingham was suffering, unless it were an overwhelming necessity? Yet no such necessity appeared to exist. Why preserve this perpetual Alien bill in India?—an

Alien bill, too, of the most strange description; for aliens were free from its operation, which was directed against English alone! It was not because any man had been mild and amiable in this country, that he must necessarily be mild and amiable in India. It was very true, as the right hon. gentleman opposite had himself allowed, that power frequently altered characters. The right hon. gentleman could not have forgotten that beautiful passage in the scripture, in which the future tyrant, to whom the prophet predicted, that when advanced to authority, he would be guilty of oppression and cruelty, exclaimed, "Is thy servant a dog, that he should do this thing?" But he did it. Such, indeed, were the naturally vitiating consequences of the possession of arbitrary power, that no wise or good man would wish for it. With respect to Mr. Adam, it did happen that that gentleman was an old school-fellow of his; and he recollected him to have been a boy of a most amiable and gentle character. Nevertheless, he must declare that, on the present occasion, Mr. Adam seemed to him to have behaved in as cruel and unjustifiable a manner as any governor of a colony that he had ever heard of, bad as such persons usually were. So far was his conduct in the transaction from deserving to be regarded with indulgence, except indeed from the circumstance of his not being in this country to defend it, that it ought to receive the most marked and general reprobation. But, although Mr. Adam was not in this country to defend himself, he had published his defence, and no person could read that defence without finding in it Mr. Adam's own condemnation, and seeing the arbitrary and uncontrolled power which he had exercised. The hon. chairman of the court of directors had talked of the warnings which Mr. Buckingham had received, as if they were the distant rumblings of thunder that were to throw a man on his knees to pray to Heaven to avert from him the menacing storm. But, why was the storm to fall as it did? Surely Mr. Adam might have waited a few weeks until the arrival of the new governor. But the whole proceeding clearly showed the nature of that system, which, from the top to the bottom, required unsparing revision and correction. It was the bounden duty of parliament to take care that the press in India enjoyed that degree of liberty which might safely be granted to it; and, above all, to deprive

the government in that country of the power of exercising an arbitrary deportation, towards any individual who might happen to displease them by the manliness and independence of his conduct.

Mr. Lambton felt that an apology was due from him to the House, for intruding upon them again, after the very able manner in which Mr. Buckingham's cause had been advocated by his hon. friends; but there were one or two points in the speeches of the right hon. gentlemen opposite which he should be wanting in duty to the individual whose petition he had undertaken to present to parliament if he were not to notice. With respect to any imputation on individuals, it was in the recollection of the House, whether at the very outset of his address to them on presenting the petition, and in the whole course of that address, he had not wholly disclaimed attributing corrupt or malicious motives to any one? He had stated the case with reference to its own merits. He had simply stated the facts which had occurred under Mr. Adam's temporary administration of the government of India without imputing to that gentleman, or to any one else, any improper motive whatever. The right hon. gentleman (Mr. Canning) however, talked as if his speech had been full of personal inculpation. He had a right to complain also of the way in which the right hon. gentleman had treated another of his statements. He had told the right hon. the president of the Board of Control in private, that all legal proceedings had been dropped by Mr. Buckingham. He had also endeavoured to impress that fact upon the House this evening. The death of Mr. Buckingham's solicitor, in India, and the unaccountable circumstance that his counsel, Mr. Ferguson (recently appointed advocate general under Mr. Adam) had omitted to send him the necessary documents and evidence, added to other considerations, had induced him to decline all further proceeding. If that had not been the case, he (Mr. L.) would certainly have abstained from presenting the petition. It had been contended, that Mr. Adam had only administered the power which belonged to the existing system. That he (Mr. L.) positively denied. It was one of Mr. Buckingham's strongest complaints. The system which Mr. Adam found on his accession to the temporary government of India was the system which the marquis of Hastings had

established. It signified nothing to talk of the private regulations respecting the press which that noble marquis had circulated. Those regulations, not having received the sanction of the governor in council, were inoperative as law. For his part, he knew nothing of the marquis of Hastings's character. But this he knew—that the marquis of Hastings had removed all arbitrary control on the part of the government over the press of India. He was not called upon to defend the marquis of Hastings, to speak of his attributes, or to hold him up as an example. But, when the noble marquis had made a public declaration to one effect, and had circulated private regulations to another, Mr. Buckingham could only consider himself bound by the former. Did the noble marquis make those regulations the law of India? No. It was true that they had since been registered by the lord chief justice, and had become the law; but at the time at which Mr. Adam acted upon them they were not so. The right hon. gentleman opposite had maintained, that transportation from India was the punishment provided by law for the offence with which Mr. Buckingham was charged. That he (Mr. L.) denied. To transportation from that country no man could be justly exposed, unless he had forfeited all claim to the protection of its government. That claim Mr. Buckingham had not forfeited. He had nevertheless been transported: and to parliament, and through parliament to the people of England he made the present appeal.—He now begged leave to make a few observations on what had fallen from the hon. chairman of the court of directors. That hon. gentleman had talked of the inconvenience of this mode of bringing forward the subject. He (Mr. L.) knew of none. When an English subject suffered injustice, the proper course was, to make, what he (Mr. L.) had made on the part of the petitioner, a full, open, and, he trusted, candid, statement of his case to the only tribunal where it could be properly and constitutionally discussed. But, the hon. chairman had alluded to the five warnings which Mr. Buckingham had received, and had expressed his surprise that after receiving those warnings he had gone on in the same course. He would mention to the House what one or two of those warnings had been. One was a complaint against Mr. Buckingham that he had stated that the appointment

of Mr. Elliott to the government of Madras was a public calamity, being induced to make such a statement by Mr. Elliott's conduct respecting her late majesty and the princess Charlotte. On application, however, to the advocate general, whether or not it would be proper to institute a prosecution against Mr. Buckingham on this subject, the advocate general declared that there was no ground for such a prosecution. Another warning was a supposed libel against the bishop of Calcutta. It proved however to be, not a libel on the bishop, but some remarks on the conduct of the chaplain. What was the result? It was found that Mr. Buckingham's statement was correct, and the evil of which he complained was rectified. Was this an occurrence likely to "warn" Mr. Buckingham, or to induce him to abstain from making still further exertions to produce various reforms which were suggested by his honourable mind? The third warning was the publication of a statement relative to the military, which it was said was calculated to create discontent and insubordination in the army. The writer of that statement had left his name and address with Mr. Buckingham: the statement was inquired into; its truth was established; and the evils of which it complained were redressed. Representations of such a nature as the one he had last mentioned, were in India especially serviceable. It had been well stated by sir John Malcolm, whose opinions were entitled to be received with great deference, that the prosperity of India required free discussion, in order to put government in possession of cases of oppression and injustice, of which they might not otherwise become informed. This was particularly true as respected the army. Did the hon. chairman of the East India Company forget the mutinies of Velore and Madras? At that period, the press was under a severe censorship; but it was the general opinion that if the press of India had been free, government would have been put in possession of the circumstances in which those mutinies originated, and they would in all probability have been prevented. If the House would grant him a committee for that purpose, he would prove, by the testimony of officers of the highest respectability, that as far as the subordination of the army, and the general tranquillity of India were concerned a free press in that country would be eminently serviceable. With respect to

the individual whose petition he had that night presented, he (Mr. L.) had really never entertained any hope that the House would redress the injustice which that individual had suffered. His sole object had been to publish the petitioner's case. He conceived that that object had been attained by the proceedings of the present evening. He had not the remotest purpose of bringing the subject again under the consideration of the House, convinced as he was, that by so doing, he should only waste time and trifle with the feelings of the petitioner. He repeated, that his sole motive in what he had done was, to call public attention to the subject. He did not know any thing of the petitioner. He did not know Mr. Adam, or the marquis of Hastings. Of lord Amherst, all that he knew was, that he had proved his sturdy independence, to the surprise of all well-bred mandarins, by refusing to perform the Kotou in China, [a laugh]. He might be the greatest and the best of human beings. He might possess, as the right hon. gentleman had said, the most mild and gentle of natures.—But, whether he was a "physical phenomenon" or not—whether he was a "Tyrant" or a "Tyger," he (Mr. L.) was bound as a member of parliament, when he received a statement of oppression and cruelty, supported by men of the highest character and respectability, fearless of all consequences, and regardless of the rank and power of the individuals whom that statement might implicate, to perform his duty, by placing it before those who called themselves the Commons of England. If they refused to grant redress, on their heads was the blame [hear, hear!].

Ordered to be printed.

FIRST-FRUITS FUND OF IRELAND.]

Sir John Newport said, that the object of his motion, which respected the consideration of the First-Fruits Fund of Ireland, was to prevent a part of the legitimate revenue of the Irish church from sustaining further encroachments, after having been exposed to them through a long series of years. From the earliest periods of our history, the revenue called the First Fruits, had been paid by the clergy of the country; and this revenue was, by queen Anne, appropriated to the endowment and improvement of poor Irish benefices. These laudable and generous purposes would have been much better

accomplished, had the system been rendered effective or the regulations then established been properly respected. It was to be remembered, that the deficiency occasioned by the non-payment, or improper collection, of these first fruits, imposed upon the public a burthen of taxation to replace that deficient amount which they ought to have raised. The right hon. baronet proceeded to show the extreme inequality of the assessments and valuations on benefices, and to point out these as the principal reasons to be assigned for the deficiency he spoke of. At present, while the clergy in Ireland were paying as first fruits about 2,900*l.* a-year, the body of the people, in ten years, would be found to have paid, for purposes to which this first-fruits revenue would be applicable, 630,000*l.*, or upon an average 63,000*l.* per annum. Before he read in detail the resolutions that he should offer to the House, he would read a few items that might furnish a comparative view of the relative inequality between the value of diocesses and their first fruits' payments in England and in Ireland. The primate of Ireland, who held the see of Armagh, paid for first-fruits 400*l.*, while the primate of all England, the archbishop of Canterbury, with an income very little greater, paid 2,680*l.* The see of Clogher paid, first fruits, 350*l.*, while the see of London paid 900*l.* The see of Derry, produced an income of between 12,000*l.* and 14,000*l.* per annum, and paid 250*l.*; while the see of Winchester paid 2,800*l.* The bishopric of Cork and Ross paid for first fruits 50*l.*, and that of his venerable and highly respected friend the bishop of Norwich, 834*l.* After urging the necessity of adopting such measures as might render the first-fruits' fund efficient for the objects to which it had been destined, the right hon. baronet concluded by moving,

1. "That the First Fruits, or Annates, being the first year's income of every Ecclesiastical Dignity and Benefice in Ireland, became, at the Reformation, a part of the Revenue of the Crown, as the Head of the Church, and was regulated by the Irish Statute of the 28th Henry 8. and continued annexed to the Royal revenues until the year 1710.

2. "That her majesty queen Anne did then, as an act of grace and favour to the established church of Ireland, by letters patent, confirmed by the authority of parliament, vest in trustees and commis-

sioners the produce of this branch of royal revenue for the purposes of building and repairing churches, for the purchase of glebes where wanting, and of impropriations wherever the benefice was not sufficient for the liberal maintenance of the clergy having cure of souls, and did at the same time absolutely release them from the payment of the twentieth parts or twelve pence in the pound, before paid annually to the Crown out of the income of all ecclesiastical benefices, although a corresponding annual payment had been retained by the queen, and still remains payable by the clergy of England out of their dignities and benefices:—That it appears, from returns laid before this House, that the gross amount of the First-Fruit revenues of Ireland thus vested in trust, and paid into the commissioners during ten years, ending January 1821, amounted only to 3,752*l.*, and that the nett amount applicable to the purposes of the grant (after deduction of 827*l.* for salaries and incidental expenses) was only 2,925*l.*:—That it appears from these returns that in seven years, ending 1824, the archbishoprics and bishoprics of Ireland contributed to the First-Fruit fund the sum of 910*l.* 10*s.* 11*d.* and that the archbishoprics and bishoprics of England contributed, during a like period, to a similar fund for First-Fruit charges, 5,419*l.* 9*s.* 10*d.* and for tenths 8,851*l.* 4*s.* 6*d.* making a total of 14,270*l.* 14*s.* 4*d.*—That the grants of parliament for gifts and loans towards building new churches and glebe Houses, and the purchase of glebes, in Ireland, during ten years, ending in 1821, amounted to 632,300*l.*, being an annual average of 63,000*l.*; and that provision still continues to be made by annual grants for these salutary purposes from the public revenue of the united kingdom:—That 467 of the dignities and benefices of Ireland, being nearly one third part, have never been rated or valued for payment of the First Fruits; and that 336 more of these benefices, although rated, do not contribute to this fund, on account of the very early period, and the low rates on which this valuation was effected, and that the whole of the archbishoprics, bishoprics, and other ecclesiastical dignities, are therein estimated as of only 4,247*l.* annual value:—That the receipt and management of this revenue have been always reserved to and continued in officers appointed by the Crown, and that the duties thereof were, by letters patent in

1812, entrusted to commissioners, with power, as therein specified, from time to time to collect, levy, and receive, and to examine and search for the just and true value of all and singular the dignities and benefices of Ireland:—That it appears, from documents laid before this House, that the proceedings of the commissioners under this patent to carry into effect a new and more adequate valuation of these dignities and benefices, by searching for the just and true value thereof, have ceased, in deference to high legal opinions maintaining the invalidity of the powers thereby conferred to effect this object, and the incompetency of the Crown to grant the same, which opinions have, however, been controverted by the legal adviser of the patentee:—That it appears just and equitable that this branch of the royal revenue, liberally appropriated by the Crown for wise and salutary purposes peculiarly connected with the maintenance of the church of Ireland (at the same time that a great remission of burthens affecting the clergy thereof was granted by the same royal authority), should be rendered actually efficient to the attainment of the beneficent objects to which it was assigned, and that the deficiency created by this inadequate valuation should be no longer supplied by the imposition of additional charge on the body of the people."

3. "That it be referred to a select committee, to consider whether any, and what legislative measures may be necessary to effect this most desirable and salutary object, and to report their opinion thereon to the House.

The question being put on the first resolution,

Mr. *Plunkett* said, he rose to oppose the motion, because it went to attack, not only the revenues, but the character of the church of Ireland. He felt quite sure that his right hon. friend, in setting about a reform of what he conceived to be abuses in the church of Ireland, was actuated by the purest motives: and he felt equally sure, that he should receive his serious attention, while he endeavoured to shew, that the present charge was unfounded. The right hon. baronet had, throughout the whole of his speech, assumed a certain fact, and then argued upon that fact, as if it had been proved. He had taken it for granted, that the statute of Henry 8th, and the act of queen Anne, meant to give to this fund the full annual value of every ecclesiastical benefice. If this

were really the fact, and the clergy, instead of so applying it, used the money for their own purposes, they would deserve the most severe reprobation. Now, he begged the attention of the House, while he mentioned the true state of the case, with respect to the first-fruits. They were originally claimed by the pope, before the Reformation, after which they were claimed by Henry 8th, as head of the church. The claims of that monarch were established in Ireland by two statutes, the 26th and 28th of Henry 8th, while in England there was but one statute upon the subject. It was material to attend to the nature of those two statutes. By the 28th of Henry 8th, it was required, that a valuation of the first fruits should be made; by the 26th, it was required, that a valuation of the benefices should be made. The two acts were finally applicable to totally different purposes. His right hon. friend would find, that the machinery of the two measures was totally different. One gave a power of inquiry to a committee, appointed by the chancellor, under the great seal, or to commissioners, who examined upon oath, and the result of whose inquiries was to be placed upon record in the court of Exchequer. There was, beside that, a valuation of first fruits to be made from time to time, by the lord chancellor, the master of the rolls, or the under treasurer of Ireland, or by commissioners appointed for the purpose. Thus there was an essential difference between the two measures. He might be wrong in delivering this opinion, but if he was wrong, he was so with the decisions of nearly 300 years in his favour; and, therefore, he hoped he should be excused if he delivered a legal opinion upon the subject with something like confidence. The question for the consideration of the House was, whether the act of Henry 8th meant to take the first fruits according to their then value, or whether the valuation once made, was to remain fixed and inviolable. He argued this question not as it regarded the church of Ireland only, but also as it was likely to affect the church of England. It was not the unprotected church of Ireland that was to bide the pelting of the pitiless storm. The church of England was equally in danger of being similarly attacked. The right hon. baronet had made some reference to one or two acts of parliament. He begged also to refer

to a few. And first he would mention the 37 Henry 8, c. 20. That act provided for the union of several parishes into one benefice, and saved to the king the first fruits of such benefice, according to the rate at which they were then valued: so that the first fruits were by that act fixed and stationary. A similar provision was made by the 17th and 18th of Charles 1st. He wished next to call the attention of the House to an act passed in Ireland in the 10th Geo. 1, ch. 7. That act stated, that in the event of any division of ecclesiastical benefices, the bishops were bound to ascertain the proportion of first fruits which such divided part had previously paid, and that it was to pay in an equal proportion in future. He felt that this was not a question of law, but one affecting the respectability of the church of Ireland. The complaint, in a word, was, that the Irish clergy did not give to public charities sums which the law did not require them to give, or else it was a charge against them of having embezzled sums belonging to those charities; in either of which cases he was entitled to the attention of the House. The right hon. and learned gentleman proceeded to quote the 2nd of Elizabeth, and several other acts, in support of his argument. The payment of first fruits in Ireland were made upon the same principle as those in England; though perhaps at a lower rate. He defied the right hon. baronet to show one case in which an Irish clergyman had paid less than the estimated value at which the first fruits of his ecclesiastical possessions were enrolled. This, then, being the case, the right hon. baronet had no right to turn round and cast imputations upon the clergy of the Irish church, because they did not contribute certain sums, according to his construction of a particular act. He (Mr. P.) thought he had done something, if he had shewn that the first fruits ought to have been, and had been paid according to the enrolled valuation. He now came to a part of the subject upon which he had made some observations on a former night, in answer to the hon. member for Aberdeen, whom he did not then perceive in his place; he meant the number of non-resident clergy of Ireland. That hon. member had estimated the number of non-resident clergy at 531. He (Mr. P.) had then stated, that even if the 500 were taken away, he should consider the remaining number an exaggeration of the

fact: and, after the fullest inquiry, he had found no cause to alter that opinion. He had stated at the time, that the hon. member had mistaken unions for pluralities, and then had taken those pluralists as non-residents. But, taking the number of clergy employed in colleges and other places, and also the number of old and infirm men (who could not be called non-residents in the proper acceptation of the word), it would be found that his (Mr. P.'s.) statement was correct. Comparing England and Ireland together in this respect, without meaning to say any thing invidious, the comparison was certainly in favour of the church belonging to the latter country. He would conclude by asserting, that there was not in the empire a more useful, a more exemplary, or more zealous set of individuals than the clergymen of the establishment in Ireland.

Mr. *Spring Rice* contended, that few speeches ever delivered within the walls of parliament were more ad captandum than that to which the House had just listened. No imputation rested upon the clergy of Ireland; and the right hon. baronet, neither by his speech nor by his motion, had intended to cast any imputation. The charge was not against the clergy, but against the government, which did not carry into effect the spirit and the letter of the statute. It was easy, indeed, out of doors to produce an effect, and in the House to influence a division, by inducing a belief that it was intended to fix a stigma upon a particular body; but, as one of the supporters of the motion, he denied any such intention directly or indirectly. He was as sincere a friend to the church establishment of Ireland as the right hon. and learned gentleman; and he thought he best proved his attachment to it, by advocating that species of reform which would extend the duties of the clergy. The attorney-general for Ireland had dwelt much upon the legal construction of the statutes; but if the interpretation he put upon them were correct, what was to become of the 950 benefices in Ireland, which at present did not contribute at all to the first fruits? Were they to be valued according to the rate of the reign of Elizabeth, or were they not to be valued at all? Up to a very late period it was perfectly clear, that the clergy of Ireland did not contribute to the support of the parochial schools. Was this usage good or bad, or was it consistent with the solemn oath that was taken?

He was not qualified to deny or to admit the truth of the legal argument of the right hon. gentleman; but if the whole of it were conceded, was it not still open to parliament to say, after due inquiry, that the whole system was defective, and that a better one ought to be devised and established? Much had been said on what was called the spoliation of the church; but that offensive word could not be justly applied to the motion before the House. It was one thing for the Crown to seize the property of the church and apply it to the purposes of the state, and another to apply the funds of the church to its maintenance, and to the advancement of religion and morality. The first might be termed spoliation; but the latter was rather to be looked upon as the preservation of the church property. For the sake of the peace of Ireland, it was absolutely necessary that the whole of this important subject should be thoroughly investigated. If the statement of the attorney-general for Ireland could be borne out by evidence, it afforded an additional ground for inquiry before a committee.

Mr. Goulburn said, that whatever explanation might be attempted by the hon. gentleman of the motion of the right hon. baronet, it was impossible not to see, that if it were not intended to convey an imputation upon the church of Ireland, it was at least very ill calculated to avoid it. It was meant to be said by it, that there was a default on the part of the church of Ireland; and in this respect it was contrasted and compared with the church of England. In the one country the clergy were niggardly; in the other, liberal. The real question before the House was a pure point of law. If the church of Ireland paid at present what the law required, it was free from imputation. The right hon. baronet had compared the sum paid by a benefice in Ireland with the sum paid by a benefice in England; but it was no more fair to put these in juxtaposition for the sake of drawing an injurious distinction, than it was fair to contrast the different amount of taxes paid by an individual of the same class in England and Ireland. Whatever the law was, it was the duty of the House to abide by it; and upon that point, he was content to rely upon the opinion of his right hon. friend. According to that opinion, the clergy of Ireland ought to be free from any further demands. He protested warmly against what had fallen from the

hon. gentleman, as to the difference between the churches of England and Ireland. There existed no such difference; nor ought the one to be differently treated from the other. The two churches were united in doctrine and by law; and if a distinction were allowed, it might hereafter be used against the church of England, and, perhaps, eventually occasion its overthrow. He quite agreed, that it should be the object of the House to enforce the execution of clerical duties by every means in its power; but he recommended the hon. gentleman to recollect, that if in former times there had been churchmen who had neglected their duties and misapplied their funds, the period had at length arrived when, by the confession of all acquainted with the state of the establishment, there existed on the part of the members of it, a most earnest anxiety to perform all the duties of their profession. The right hon. gentleman moved the previous question.

Mr. Hume, in reference to what had been said by the right hon. and learned gentleman respecting the non-residents, as if he (Mr. H.) had made an erroneous report to the House, said he had only read the official returns made to the House by the bishops themselves. The supporters of the present motion denied that the clergy of Ireland had done what the law required. With regard to any supposed attack, he had never calumniated the ministers of the church of Ireland; he had objected merely to the existing system, and as it was bad, he was, of course, anxious for a change. The law might declare that the two churches should be the same; but, would any man of common observation and common sense affirm that there was no difference between them, in the manner in which the duty was performed, and a thousand other circumstances? The right hon. gentleman had concluded by saying, that the clergy of Ireland were never more zealous than at the present moment. "By their works shall ye know them." Had they added one proselyte to their flock? Had they not, on the contrary, year after year, so decreased in their numbers, that there was danger that they would, ere long, be reduced to nothing? Those who refused inquiry would, in the end, be found the worst enemies of the church.

The House divided: Ayes 71. Noes 87. Majority against the motion 16.

HOUSE OF COMMONS.

Wednesday, May 26.

EDUCATION OF THE POOR IN IRELAND.—PETITION OF MR. OWEN.] Mr. S. Rice presented a petition from Mr. Owen, of Lanark. The hon. member professed himself unable to see his way sufficiently clearly to warrant him in founding upon the petition any subsequent motion. He would, nevertheless, willingly lend his aid to any other hon. member who might feel inclined to do so.

The following is a copy of the petition:—

“The Petition of Robert Owen, of New Lanark,

“Humbly sheweth—That your Petitioner believes it to be universally admitted, that, if measures can be devised to relieve the suffering peasantry of Ireland from the distress in which it is on all hands acknowledged that they at present suffer, such measures ought to be zealously promoted by every individual who wishes well to his country, or who is interested in her government.

“That your petitioner has observed many proposals submitted to your honourable House to effect this great purpose, and has seen those proposals rejected—not, indeed, as being unnecessary or ill-timed, but as being impracticable or inefficacious.—That your petitioner, as the result of a long and extensive experience among the working classes, has been induced to conclude, that no projects for relief to Ireland can be practicable or efficacious, unless they propose to educate and to employ those to whom relief is to be afforded; and that no plan which shall in practice judiciously educate, and effectually employ the poor and ignorant and unemployed, can fail in effecting great and immediate improvement in their condition, to the gradual diminution of ignorance and poverty and idleness.

“That your petitioner believes it to be as practicable as it will be found to be advantageous to form arrangements for the double purpose of education and employment; and is prepared to submit proposals for that purpose to your honourable House.

“That these proposals have been so devised as to meet the opinion expressed by a committee of your honourable House, on plans submitted by your peti-

tioner to that committee in June, 1823.—Your petitioner therefore prays that your honourable House will be pleased to appoint a committee to examine the plans which he now recommends, and to report thereon to your honourable House.—And your petitioner shall ever pray,

“ROBERT OWEN.”

Sir W. De Crespigny said, he had advised Mr. Owen never to bring his plan again before parliament.

Colonel Trench contended, that this visionary plan, if adopted, would destroy the very roots of society.

Ordered to lie on the table.

USURY FORFEITURES BILL.] Mr. Alderman Heygate said, that in the debate on this subject, though there had been a great difference of opinion on the Usury Laws themselves, the opinion of the House was unanimous as to the injustice and ineffectiveness of the penalties provided for a breach of them. As the members of the legal profession to whom he had applied had declined the task, he had been induced to frame a bill to amend the law as far as related to these penalties. His principle was briefly this. By the existing law, the forfeiture, and penalty, amounting to three times the principal sum, was out of all proportion to the degree of the offence. For example, if a man took 5% too much interest on a principal sum of 100,000*l.*, the penalty would be forfeiture of the 100,000*l.*, and three times more, in all 400,000*l.* But if a man took 100% interest too much on 100*l.* principal, an offence in degree infinitely greater, the penalty would be only 400*l.* His intention was, to proportion the penalties to the degree of the offence, and not so excessive that conscientious men would not sue for them. He moved, for leave to bring in a bill “to regulate the penalties and forfeitures incurred under the Usury Laws.”

Leave was given to bring in the bill.

SCOTCH POOR REGULATION BILL.] Mr. Kennedy, in moving the order of the day for the second reading of this bill, for the purpose of withdrawing it, said, he owed it to himself to give a brief explanation. In withdrawing the bill, he did not wish it to be understood that he was to be prevented by any clamour that might be raised from prosecuting his object; but, on a subject so delicate as the Poor-laws, when a feeling was raised, no

matter how mistaken, he wished to afford full time for examination and correction of the error. It had been supposed by some, that his object was to introduce the poor-rates into Scotland. It was, in fact, just the reverse. It was to prevent assessments from spreading further than they had gone, and finally to abolish them. According to the report of a committee in 1818, out of 700 parishes, the number from which returns were obtained, there were only 145 in which there were assessments. Assessments were either good or bad: if good, they should be general; if bad, they should be abolished; and seeing that in the greater part of Scotland no assessments existed, he wished to abolish them in the remaining parishes, and to produce that uniformity of system, which was so desirable. It was asserted by some, that assessments were necessary in every civilised country. His answer to this was the fact he had stated, that, in the greater part of Scotland, there were no assessments. The vicious system of assessments had produced the most mischievous consequences in Scotland. That system prevailed to a grievous extent in the border counties. The assessments were regulated, not by the exigencies of the particular parishes in which they were levied, but by accidental circumstances. Thus, in Berwick there was a very large assessment in one parish, while in the very next parish, perhaps, there was no assessment at all. An experiment, conducted by Dr. Chalmers in one of the lowest parishes in Glasgow, where there was a population of nearly 10,000 persons, had been attended with the best effects. In the course of a few years, assessments to the amount of 1,400*l.* per annum had been completely eradicated, and the poor had been placed on a much better footing. If the measure which he (Mr. K.) had proposed, were adopted, he was satisfied that it would have the effect of reviving that spirit of independence, which had once existed among the poor of Scotland, but which had been, in a great degree, unfortunately extinguished by the system of assessment. He was convinced that it would have been a boon to the poor of Scotland themselves. In moving that the bill be read a second time that day three months, he wished it to be distinctly understood, that he did not mean finally to abandon the subject, but that it was his intention again to call the attention of the House to it early in the next session.

Lord *A. Hamilton* said, that with respect to the measure being a boon to the poor of Scotland, he could only observe, that the poor of Scotland themselves thought it a great grievance. The bill proposed by the hon. member was considered by all who had paid any attention to the interests of the poor, and who were in the habit of administering to their wants, to be most objectionable in principle.

The *Lord Advocate* said, that the proposed measure had never received the slightest encouragement from any public body in Scotland; on the contrary, they all concurred in reprobating it. He strongly recommended the hon. member to pause before he again brought it forward.

Mr. *W. Dundas* observed, that the poor of Scotland might be left wholly without resource if the system of assessments were abolished.

The second reading was put off for three months.

HOUSE OF COMMONS.

Thursday, May 27.

COMMITMENTS AND CONVICTIONS.]

Mr. *Hume* said, he rose to bring forward his promised motion for a return of the Commitments by magistrates, in certain districts, together with the names of the magistrates by whom such commitments were made. He understood that objections were made to returning the names of the magistrates, unless in specified cases, where it could be shewn they were necessary. To this he answered, that there was an opinion abroad that a certain set of gentlemen in the magistracy were convicting magistrates—that was to say, that any culprits brought before certain magistrates stood little or no chance of escaping being committed. Now, he felt, that if the commitment were a just one, no objection could be urged to giving the name of the magistrate, and if unjust, then the name of the magistrate became absolutely necessary. He wished to obtain correct returns, in order to ascertain the causes of the disproportion between the commitments and convictions in the city of London, and in the county of Middlesex, and which disproportion was highly to the credit of the former. The returns already on the table were very imperfect; but if they had been made out

according to his original intention, he apprehended they would have borne out the statement he formerly made. At present, a comparison could not be fairly instituted. He would first advert to what appeared on the face of the documents furnished. One magistrate had committed 152 prisoners, and of that number bills were found only against 66, and 58 were convicted. Another magistrate at Union-hall had committed 139 persons, while bills were found only against 48. It was to be observed, that the different police offices varied in the mode of making those returns; indeed, they were upon some points so contradictory, that further information was absolutely necessary. During the inquiries of committees on prison discipline much had been said of the evil of allowing persons not hacknied in vice to mix for months together with the most degraded criminals. If this contamination amounted to only half what was stated in the various reports, it was a subject requiring the utmost attention. In this point of view it became of consequence to ascertain with precision the disproportion between the commitments and the convictions. The courtesy of the secretary for the home department had furnished him with a document of value, inasmuch as it shewed the proportion between commitments and convictions at two periods, viz. for the seven years before 1816, and for the seven years before 1823. In the seven years before 1816, there were committed for trial 36,000 men, and 11,000 women. In the seven years preceding 1823, there were committed for trial 78,000 men and 14,000 women. With such an enormous increase of offenders in so limited a time, was it possible to pretend that the community was in a moral healthy state? Looking at the comparative number of convictions in the same period, it became an important matter of attention, whether some other mode could not be invented to prevent persons, proved in the result to be innocent, from suffering the moral infection of a prison. Of the 47,000 men and women committed in the seven years prior to 1816, 29,000 had been convicted and 18,000 acquitted, being in the proportion of 38 in the hundred found not guilty. In the seven years preceding 1823, the total number of commitments was 93,000, and of these 62,000 had been convicted, and 31,000 acquitted, being in the proportion of 33 in the hundred. In London

and Middlesex the proportion was nearly the same; the committals during 7 years before 1816 were 12,000, the convictions 7,400, and the acquittals 4,700, which was in the ratio of about 39 per cent. During the seven years before 1823, the committals were 18,000, the convictions 11,000, and the acquittals 7,000. It was lamentable to find, on the same authority, the number of our fellow creatures sentenced to death by the present state of our penal laws. In the first period to which he had alluded, they were 1,018, of whom twelve in the hundred were executed; and in the last period 1,216, of whom 14 in the hundred were executed. This brought him back to the consideration how it happened, that so many more of the prisoners committed by one magistrate were acquitted than by another. Was the mode of conducting business different at different police offices? He had been also anxious, when he formerly brought this question before the House, to learn the proportions of the persons committed, convicted, or acquitted by magistrates, who were not stipendiary, in order to see whether there were any deserving the title of "committing magistrates," who, without due attention to the evidence, allowed their fellow-subjects to run the risk of the injury to be derived from intercourse in a gaol. A magistrate, with his commission, undertook a highly responsible duty; and he could not conceive any good reason why the magistracy should be desirous of concealment. As to the numbers, they had been obtained already; but he wished also to see on the table the names of the committing magistrates. He had been informed, that the number of persons convicted in Scotland, compared with those committed, exceeded the proportion in any part of England, arising probably from the peculiar care taken in the examination of witnesses. How far the method, pursued in Scotland, ought to be adopted in England, was another question. His motion would extend to Scotland, and he saw no reason why Ireland should be excluded, so that the whole might be seen at one view. The hon. gentleman then moved, "that there be laid before this House, a return of the number of persons charged with criminal offences, who were committed to the different gaols in England and Wales during the year 1822 or 1823; distinguishing those by summary commitments, and those for trial at the assizes

and sessions held for the several counties, cities, towns, and liberties therein; showing the name of the magistrate or magistrates who signed the warrants of commitment, and distinguishing the number of persons so committed by summary commitments by him or them, and the number committed for trial, who were convicted, acquitted, or against whom no bills were found, or who were not prosecuted."

Mr. Secretary *Peel* said, that he had expected to have heard from the hon. member a less objectionable motion than that with which he had concluded, and the returns to which would not, in point of fact, assist him in his ulterior object. The hon. member had said, that when these returns, with the names of the committing magistrates, were made, some individuals would be found who were unnecessarily rigorous in their commitments, and who were designated in their counties as "committing magistrates." He protested that he had never heard of such a distinct class of persons; but, what he principally rose to show was, that the returns called for would not raise the inference which the hon. member supposed, and would therefore be useless for his general argument. For instance, there were several prisons in England in which commitments in execution were only taken; and the hon. member must not confound such commitments in due execution of legal process with the summary commitments in the ordinary administration of magisterial duty. Then, again, the disproportion of commitments between one magistrate and another would not raise the inference of undue rigour in the committing magistrate. For instance, at this time of the year, whilst members were attending their duty in parliament, there must be other magistrates in the counties, whose returns in the discharge of their duty must necessarily be larger than those not so actively engaged, from local removals, without there being the slightest ground for supposing from the distinction, the undue exercise of power. When the hon. gentleman first brought this subject forward, he had said, that there was an immense disproportion between the commitments by police magistrates and by magistrates of the city of London. He (Mr. P.) had then thought, that a *prima facie* case had been made out against the stipendiary magistrates, and that they were the more responsible, be-

cause they received salaries, although he was satisfied that they were men of the highest honour and respectability, and that their conduct would bear the strictest examination. Those magistrates who were unpaid and acted merely from a sense of duty and a love of utility, were of course in a different situation. As far as the hon. gentleman wished to correct the return already made, he (Mr. P.) was ready to concede what was required. There was no indisposition in the home department to give all useful information: but, under no circumstances could he consent to include the names of individual magistrates. He asserted distinctly that it was a criminatory motion. It was criminatory, because it went to shew that magistrates had acted on vague and insufficient grounds. The hon. member had talked of "committing magistrates." He (Mr. P.) had never heard of any individuals deserving such an offensive distinction. Was it fair to brand a gentleman as a "committing magistrate," because he devoted more of his time to the service of his country, and had a larger number of criminals brought before him? Besides, if the returns were made as desired, it would be impossible to draw any fair inference from the intelligence it supplied. The hon. gentleman, on the former occasion, had introduced the names of three magistrates, Mr. Allen, Mr. Dyer, and Mr. Swabey, and in consequence he (Mr. P.) had sent for Mr. Dyer, and had asked him to furnish some cases in which he had committed, and the grand jury had afterwards thrown out the bill. In the first place, Mr. Dyer proved that the disproportion in his case was not greater than in others, and he pointed out fifteen or sixteen cases in which grand juries had ignored bills, but in which Mr. Dyer would have grossly misconducted himself if he had not committed the party charged. Sometimes the matter had been compromised: perhaps the principal witness was a near relation, and, not wishing to disgrace the family, upon reflection did not choose to persevere in the prosecution: sudden wrong had made him bring the offender before a magistrate, but in his cooler moments perhaps he had repented. In one case, though the charge had been clearly made out before the magistrate, the prosecutrix went before the grand jury in a state of intoxication, and they, of course, threw out the bill. In another case of a criminal assault upon a girl of

ten years old, the grand jury obtained information which did not come before Mr. Dyer, shewing that she was not worthy of credit; and on this account the man accused was never put upon his trial. In some instances, parties, though duly bound in recognizances to prosecute, did not appear; and as they were poor, their sureties were of no value, and could not be estreated. In other cases, misunderstandings occurred as to the time when witnesses were to appear, and in others, the prosecution was dropped from carelessness, indifference, or idleness. While these circumstances vindicated the grand jury from any charge of neglect, they at the same time shewed that there was no ground for inculcating the committing magistrate. Unless, therefore, the return could be accompanied with a detail of all that appeared at the police-office, it would be of no use, as it could lead to no just conclusion. For these reasons, he should negative the motion.

Mr. Denman said, he concurred in many of the observations which had fallen from the right hon. gentleman, respecting the obscurity in which the larger question would still remain, after the returns, as now called for, were produced; but, it would be easy to make the distinction required in the returns, so as to show the commitments in execution, and also those by summary process. He could not, however, concur with the right hon. gentleman in throwing round the magistracy generally, that species of exemption from inquiry which he had talked of. On the contrary, he thought that when parliament were every year intrusting such extended powers to the magistracy, they were bound to investigate with a jealous eye their administration; and the more so on account of the liability to abuse in the exercise of all human power. He rather wished to see the public eye jealously fixed upon the conduct of magistrates, for the sake of bringing to bear upon their acts the wholesome control of public opinion; and he could not disguise from himself, that however meritorious as a body, there were many individual cases in the magistracy, which required revision and correction. It was singular that, the moment the slightest attempt was made in parliament to control or investigate the authority of the magistrates, it was met by the highest panegyrics upon their general honour and utility. This reminded him of the remark of a judge once at the Old

Bailey, who, when he heard characters given by witnesses to notorious thieves, exclaimed, "I wonder what has become of the rogues, for every man is honest now-a-days." Unquestionably the mere circumstance of throwing out the bill afforded no ground of charge against the committing magistrate; but, it was a most appalling fact, that for the seven years before 1816 the commitments were only 47,000, and that for the seven years preceding 1823 they had increased to 93,000. They might have been augmented, in some degree, by the greater readiness with which courts granted their expenses to parties prosecuting; but, at all events, it was a very proper subject for inquiry.

Sir E. Knatchbull said, there was no class of persons who had performed more services to the country than the magistracy. Unless a strong case should first be made out, he could never give his assent to a motion of this nature. There was a sufficient jealousy amongst the magistrates themselves, which made them watch the proceedings of each other; and in this circumstance he saw the best security for the proper discharge of their functions.

Mr. H. Sumner thought the motion would be ineffectual, unless the commitments were returned with a specification of the circumstances of each case; but no man would undertake the arduous duties of a magistrate if his character were to be subjected to this kind of suspicion.

Mr. Curwen said, if he thought there was any intention of casting an imputation on the magistrates, he should not give the motion his assent.

Lord Stanley said, he should like to know who were the individuals who were designated "committing magistrates." He thought it unfair to throw out a general aspersion of this nature.

Mr. Lockhart thought that the motion should not be entertained, unless good reason were first shown.

Mr. Peel said, that if the hon. member would point out any one instance in which there had been an improper committal, he would give him any explanation on the subject which he might require.

Mr. Hume said, that all he wanted was sufficient data on which to form a just conclusion. A very unfair construction had been put upon what he had said respecting committing magistrates. He did not mean by that expression those who committed the greatest number of pri-

soners, but those who were in the habit of committing without sufficient evidence. He hoped the right hon. secretary would furnish the House with the necessary information; and, in that hope, he should withdraw his motion.

Mr. Peel said, he felt it due to the magistrates, not to allow the motion to be withdrawn. It must be negatived.

The House divided: Ayes 8. Noes 81.

Mr. Hume said, there was such an esprit de corps in the country gentlemen, that he never knew an instance of inquiry being called for into the conduct of magistrates, that they were not immediately up in arms to stifle all investigation. It had certainly been his understanding when he submitted to withdraw his motion, that the right hon. gentleman would give him the information corrected according to his own statement. He would now move for returns of the number of persons charged with criminal offences in Ireland, and committed in the years 1822 and 1823, excepting such as were committed under the Insurrection act.

Mr. Peel denied that he had entered into any agreement with the hon. member as to any course which he should pursue in the event of the former motion being withdrawn.

Mr. F. Palmer could not see that the motion cast any stigma on the magistrates. If there were any who did not do their duty, inquiry was desirable, to show who they were.

Mr. Denman did think that his hon. friend had not been quite fairly treated. There appeared a considerable degree of soreness on the part of the magistrates; but this stolen march would not tend to raise them in the estimation of the country. It was said, that no case had been made out. Certainly, no case was made out, because no case was intended to be made out. There could be no case of general oppression against a most numerous body. The proposition of his hon. friend was, that a constant and regular return should be laid before the House; because the effect of such a return would be to create a powerful control on the actions of public men. Would it be denied, that such a control was necessary? Was it calumny to argue that magistrates were accessible to the common frailties of human nature?

Mr. Twiss observed, that as there was no charge against the magistracy, there was no necessity for the returns, to grant which implied an accusation.

Mr. T. Wilson thought that no case had been made out for inquiry, and that when motions of this kind were made groundlessly, the result must be injurious. In defence of magistrates who were not members of that House, he should oppose the motion.

Mr. Hobhouse was at a loss to understand on what grounds the returns were refused. Was it not material for that House to be put in possession of the proportion between the number of commitments and convictions? Much had been said in praise of the unpaid magistracy; but he must say he did not think so highly of them. He would prefer a stipendiary magistracy, who would not think it above them to render an account of their conduct, to those unpaid magistrates who exhibited, on all occasions, such a noli-me-tangere disposition.

Mr. Monck said, that this information was necessary, if it were merely with a view to statistical information. It was desirable that the House should know the amount of crime, and whether it was on the increase or not. The number of summary convictions, too, was important; for as that mode of proceeding was a supersession of the common-law, it was essential to observe its operation.

The House divided: Ayes 34. Noes 71.

Another division took place on a motion for similar returns as regarded Scotland; when the numbers were, Ayes 3: Noes 75.

MODE OF CONDUCTING THE PRIVATE BUSINESS OF THE HOUSE IN COMMITTEES ABOVE STAIRS.] Mr. Hume rose, in pursuance of notice, to move a standing order, that no member having an interest in a Private Bill should be allowed to vote on the committee on that Bill. He had been strongly impressed with the impropriety of the existing practice, not merely during the present session, but for many sessions. It had gone on from worse to worse, until, at length, it had arrived to an extent of injustice and evil which could no longer be tolerated. The House were bound to interfere in order to do justice to the parties before them; and to render their proceedings respected. The business in committees above stairs was no longer a question of justice between the parties; it was one merely of canvas and influence. It was very common, even in the House itself, to see members remain out of it

until the division, and then come into vote. But that was nothing compared with what took place in committees above stairs. No individual who had not attended those committees, could possibly judge of the proceedings which occurred in them. As he was not a frequent attendant, it was only lately that he had become aware of the extent of the evil. Many of the members of committees on private bills were in the habit of daily receiving letters and applications from the solicitors and other parties concerned. Such communications ought to be treated with the indignation with which a judge on the Bench would treat similar documents. A recent instance had occurred of the proper indignation of a judge on such a subject; and, by a parity of reasoning, he was warranted in drawing the conclusion that the similar practice with respect to private bills ought to be put an end to. The usage was, for every member of a private committee to receive a letter, requesting him to come down, not to hear the evidence before the committee, but at three o'clock, when the division was expected; and this was asked as a personal favour. At other times members were entreated to speak to their friends on the subject of private bills. These were not rare, but frequent practices. Now, if they were at all to consider themselves in the situation of judges, he put it to the House, whether the members of committees on private bills, although not bound by law, as was the case with the members of committees on contested elections, constantly to attend, ought not to conform to that which was the spirit under which they were appointed, and attend as closely as possible to hear the evidence adduced by the various parties. If not as judges, the members of a committee on a private bill should at least consider themselves as jurors, and should take care that they were not liable to be challenged. It was by no means wonderful that the character of the committees of that House had been so completely lost, when it was stated, as he had himself heard, that a solicitor had been known to declare, that with names or money he could carry or defeat any private bill. He did not say that such was the case with respect to every private committee; but it was the case with respect to so many, that the character of the House of Commons, as regarded private bills, was completely lost? so much so, that few indi-

viduals would venture to introduce or to oppose a private bill, unless he had abundance both of money and of friends. This was an abuse which no man could defend. He had formed an opinion himself of the manner in which committees above stairs might be reformed; and he had no doubt that his plan, if carried into effect, would be successful. But he thought that such a plan would much better originate in a committee than in an individual. There was one crying evil, however, which might be put a stop to by the House, without precluding them from appointing a committee for the consideration of the other parts of the subject. In that committee, a reform might very probably be commenced of the whole system respecting private bills, the fees to clerks, &c. &c. None of the abuses to which he had alluded, existed by the sanction of the House. He could prove to the House, that not one of the many abuses that existed in the system of these committees upon private bills, existed by the sanction of the House itself; and he had always understood, that when a committee upstairs was vested with the power of calling for persons, papers, and records, it was vested with the same rights, and was to be regulated by the same rules and principles, as the House of Commons was vested with and regulated by. In their committees, therefore, he conceived that no practice ought to obtain, which was contrary to the spirit of their own proceedings. But he would cite a few cases to shew that, on the contrary, great abuses of those rules and principles were tolerated above stairs. In saying this, he meant to impute no blame to any one. To the system, and the system only, and not to any particular individuals, was the evil to be ascribed. If hon. gentlemen would take the trouble of referring to Hatsell's Precedents, they would find that the observations he had just made were there offered twenty years ago, in the most forcible manner, and the necessity of correcting the abuses in question insisted upon. His principal object in quoting this authority was, to show that there were numerous precedents in which the principle had been enforced by parliament—that no person interested in the fate of any private bill should vote in the committee upon it. On the 12th of June, 1604, a Mr. Seymour was requested to withdraw from the House, pending the debate on a certain bill, such request

being found to be, under the circumstances, agreeable with former order and precedent in like cases. The hon. gentleman proceeded to notice very briefly a variety of cases appearing upon the Journals of the House; which cases, he contended, went to prove, that the House itself had always refused to allow members interested in such bills to be present at their discussion: still less had it permitted them to vote on such occasions. Now this rule was constantly violated in committees; who, nevertheless, it was quite evident, were bound to observe and follow the rules and orders of the House. Before he concluded, he would just mention, as a strong exemplification of the evil which he complained of, that of a committee upon a recent private bill for incorporating a company in the nature of a Joint-stock company, 16 individuals, of course members of parliament, occasionally met, and discussed, and voted, and sat in judgment upon that very measure, and assisted in the examination of the witnesses, they themselves being shareholders of such company, in various sums, from 30,000*l.* and 20,000*l.* down to 500*l.* The fact was, that every projector of a new company, for which a legislative sanction was necessary, thought it absolutely necessary to have among his subscribers a certain number of members of parliament; without whose aid he could entertain little or no hope of getting his bill passed. He contended, that the rule to be applied to committees of the House of Commons should be—if not more strict, at least as strict as that which applied to juries—namely, that no man should be a judge in his own case. The hon. gentleman said, he asked no more of the House than that they would put an end to such a crying evil; and he would therefore conclude by moving, “That it be a standing order of this House, that no member shall vote in any committee above stairs on any question where his pecuniary interest is directly concerned, as in bills for establishing Dock Companies, Canal Companies, Joint-stock Companies, of which he shall be a member, or for inclosures of commons, making of roads, when the measure is expected to confer pecuniary advantage, or to diminish pecuniary loss to him; and that the practice in committees above stairs be regulated on the same principle, and in the same manner, as the decisions of this House have been regulated when members have had a direct

pecuniary interest in any bill before the House.”

Mr. Secretary Canning said, that if he entertained any doubt upon the expediency of adopting the hon. gentleman's recommendation with regard to the constitution of committees up stairs, it was not upon the soundness of the principle on which that recommendation was founded, for every body must concur with him in admitting that to the hon. gentleman; but he doubted very much whether a new standing order would at all remedy the evil complained of, and whether the adoption of the resolution submitted by the hon. gentleman would not rather leave the House in a worse situation, than establish it in a better, as to those committees. The right hon. gentleman then appealed to the chair in order to know, whether the rules of the House itself governed the proceedings of committees?

The *Speaker* said, he held it to be quite clear, that all the rules by which that House regulated its own conduct continued in full operation in every committee that sat above stairs. The hon. gentleman who had opened this case had, in his judgment, very distinctly stated this as the ground of his proposition.

Mr. Canning resumed. He said, he had always understood, that the rule of proceeding on committees, must depend, in a great measure, upon the circumstances of the individual case. The rule might exclude, he thought, in many cases where it could be shewn that the interests of members on a committee were concerned in the bill under their consideration; but the question—the difficult question—would always remain, as to who should be admissible members, and who should not? Now, he took it, that no order of the House could solve that difficulty; but that the matter out of which the abuse arose—and an abuse it certainly was, in the case put by the hon. gentleman—must be left generally to the honour and the feeling of members. So in questions of contested elections; he apprehended, that however members, almost all of them, might be imagined to be influenced on one side or the other, it was always to be supposed, that such questions would be decided upon principles of honour and justice. There seemed to be no difficulty in supporting the mere theoretic principle, which was so properly contended for; but a vast deal of difficulty in enforcing its application. The principle, as he had

before observed, no one could doubt. If the hon. gentleman could see any prospect of practically enforcing it, he would not object to the resolution: but, as it stood at present, it certainly did infer, that, up to this period, such had not been the principle that the House had laid down, or that if it had so laid it down, the principle had not been observed. The hon. gentleman, indeed, had said, that upon such a principle that House had formerly acted; but it seemed to have been so in cases only where individuals had had the courage to stand forward and challenge the vote of that particular individual who was an interested party. And he could not help thinking, with regard to the bill of which the House had heard such a curious account, that if the hon. gentleman possessed so accurate a knowledge of the particular interests of members in it, and had thought proper to challenge their votes, the question of such challenge must have been decided up stairs, upon the same principles and in the same way as if the question had arisen in that House. It did not appear to him, that the hon. gentleman's motion would be at all effectual or conclusive, or in any degree help to cure the evil of which, with so much justice, he had complained. Until a new system could be devised, calculated effectively to remedy the abuse that had been alluded to, he should feel justified in meeting this sort of proposition by moving the previous question; thereby not at all intending to dispute the propriety of establishing the principle for which the hon. gentleman contended.

Sir *W. De Crespigny* deprecated the system upon which committees above stairs were conducted, both as to the mode in which members on them permitted themselves to be canvassed, and in which the committees were got up; and particularly as to the way in which the wandering members were brought in and frequently voted, in utter ignorance of the anterior proceedings of a committee, and without the benefit of that knowledge of the business before it, which the regular members of such committee must necessarily possess.

Mr. *S. Wortley* concurred in thinking, that the House would be rather diminishing the ground upon which it stood in regard to its committees of this nature, than gaining any better station, if it acceded to the proposition of the hon. gentleman. A popular feeling prevailed, that some al-

teration ought to take place in the formation of these committees; but he could not exactly agree with the hon. mover in thinking the subject a proper one for the discussion of such a committee as he wished to refer it to. He fully concurred with the hon. baronet in condemning the practice of members coming into a committee at a late hour, and voting on a question on which they had not heard a word of the arguments or evidence. The object the House should have in view was, to impress on members, that if they did not choose to attend committees, they should think themselves bound not to vote.

Mr. *Grenfell* would beg to suggest to his hon. friend, after all that had been said, to withdraw his motion. But, at the same time that he suggested this, he would say, that the House and the country were indebted to his hon. friend for having brought it forward. From his own knowledge of the practice of one committee, at which he had attended for a considerable time, he would assert, that the mode of proceeding was not only a perversion, but a complete denial of justice. It was quite hopeless, in many cases, to expect to carry anything against the views of particular parties. With the knowledge which the House now possessed on this subject, he did hope that some remedy would be speedily applied; and if the forms of the House, after the previous question having been moved, would allow his hon. friend to withdraw his motion, he hoped he would do so, and move that a select committee be appointed to inquire into the evil, with the view of applying some remedy. Some such course was absolutely necessary to rescue the House of Commons from the disgrace which would otherwise attach to them, from the mode in which business was conducted in some of their committees up stairs. From what he had seen of the practice in some committees, he would say—Let a private bill be brought in on the first day of a session, and let that session be the longest known in the history of parliament, and he would undertake (provided he got money enough) to prevent that bill from passing, by the delays which he could, according to the present practice, occasion in its progress. He had known an instance, in a committee, of a counsel speaking for five hours and a half on one point, and another speaking two hours and a half on the same point; and let the House understand, that this mode of pro-

ceeding would occupy a committee for two days of their sitting; for committees seldom met before half-past 12, and were at an end when it was known that the Speaker was in the chair in the House. But this length of speaking was not confined to the object before the committee. It had often no more to do with it than if the counsel were to take a page out of Hume's history and discuss its merits. But it was of no use to interrupt counsel on such occasions, for the interruption and the arguments to which it would give rise, would occupy a still greater portion of time than if he were allowed to proceed. He could not, while he was upon this subject, avoid adverting to the practice of canvassing members out of doors for their support to particular measures before private committees. This was carried to an extent scarcely credible: but it was not a modern evil. And here he was reminded of an anecdote of the late Mr. Burke, who, being warmly urged by a lady of high rank to give his support to a particular measure then before a private committee, replied, "I am extremely sorry I cannot oblige your ladyship, but I have already promised my injustice to the opposite party."

Mr. *Ellice* also wished the motion to be withdrawn, and that his hon. friend should give notice of a motion on the subject for next session.

Sir *M. W. Ridley* was of opinion, that a more strict attention to the standing orders of the House, with respect to private bills, would be the best remedy which could be applied to an evil, the existence of which was not denied. When there were sometimes forty committees on private bills sitting on the same day, how could proper attention be paid to them all?

Lord *Stanley* thought that a great deal of inconvenience was created by the inattention of members who were nominated on private committees. He had recently witnessed the inconvenience produced by the non-attendance of members on private committees.

Mr. *B. Wilbraham* recommended the hon. member to withdraw his motion, and to move for a select committee to inquire into the evil complained of. He would not, however, wish that such committee should be delayed till next session.

Mr. *Scarlett* said, that if the House made the regulation, that no member in a private committee should vote upon a

question at the discussion of which he was not present, (which he himself did not object to), the public, seeing the importance thus attached to private bills, would pray, that no member who had not been present at its discussion should be allowed to vote upon any public measure; which, perhaps, though a very reasonable request, might be found inconvenient in some cases.

Mr. *Hume* said, that after what he had heard, he had no objection to withdraw his motion; and in lieu of it, to submit a motion for a committee to inquire into the subject.

Mr. *Canning* said, he would withdraw his amendment, in order to give the hon. member an opportunity of withdrawing his motion; but he would recommend him to attend to give a notice of motion for next session, rather than the present, as the committee would then have sufficient time for going fully into the question.

The motion was then withdrawn. After which, Mr. *Hume* moved, "That a select committee be appointed, to inquire whether the present mode of conducting the Private Business of this House, in Committees above stairs, requires any and what regulations and alterations; and that they do report their observations and opinion thereon to the House." The motion was agreed to, and a committee appointed.

IRISH CLERGY RESIDENCE BILL.] The report of this bill being brought up, Sir *J. Newport* moved a clause, providing, that an incumbent should vacate his benefice in case of accepting Ecclesiastical Preferment to the amount of 400*l.* per annum.

Mr. *Goulburn* strongly opposed the clause, which could not, he said, be tacked on thus slightly to a clergy-residence bill, but ought, if adopted at all, to be made a specific subject of legislation.

Mr. *Plunkett* said, he must object to the clause. Though he was strenuously opposed to any interference with the property of the church, he did not carry that opposition to the extent of denying that there might be a beneficial modification with respect to pluralities. Should his right hon. friend introduce any measure of that nature, he should be most happy to give it his support, so far as a sense of public duty would permit. But his right hon. friend must be aware, that his clause

not only ought to be made the subject of a specific enactment, but that it must also be accompanied with a peculiar and effective machinery to put it into action; for, according to the present state of the law, it would, if brought in by itself, produce the strangest confusion in the property of church livings. What, for instance, would be likely to happen to the patron of a living who should present one of these clergymen already possessed of another living of the value of 400%? If he did not know it beforehand, the presentation would be void, and the right would lapse to the next in succession to the freehold property which he had in presenting. The law, as it would then stand, would leave him without remedy against this evil. If, on the other hand, he did know of the other living, and still persisted in presenting, he would be troubled with a quare impedit, and all the other vexations which could be brought against him at the instigation of some one who would most certainly start up to claim the exercise of the patronage by lapse.

The House divided: For the clause 38. Against it 75.

WAREHOUSED WHEAT BILL.] The bill being committed,

Mr. *Ellice* moved a clause to exempt Canada wheat from the operation of the bill. It would be recollected, that the corn to which this clause referred was imported about the year 1821, and would have found its way immediately into the market, but from the passing of the last corn bill, which altered the averages so as to exclude this particular class of grain, and which bill passed just at the time that the corn arrived here from Canada. In fairness it was entitled to enter the market, because it had been shipped at Canada upon the faith of the old scale of averages. The whole quantity was not considerable, being only 50,000 quarters, one part of which was warehoused at Liverpool, and another at Glasgow; so that the London market was in no danger. In a case of such peculiar hardship, he hoped that some indulgence would be shown.

Mr. *L. Forster* objected to it, as a direct infraction of the spirit and letter of the corn laws, which were designed to protect the British grower against the competition of any grain coming from abroad, which had not been charged with a weight of taxation equal to that which fell upon wheat of British growth.

Mr. *Huskisson*, thought under all the circumstances of the case, it would be wiser to adopt the proposed clause, and thus admit the Canadian wheat now in this country, by degrees, than to allow it to come all at once into the market, as it in all probability, must do by the 15th of August next.

The committee divided: for the clause 45. Against it 19.

HOUSE OF COMMONS.

Friday, May 28.

MARINE INSURANCE BILL.] Mr. *Fowell Buxton* having moved the order of the day for the second reading of this bill, Mr. *Grenfell* reminded the House, that counsel were to be heard against the bill.

It was his impression that in this stage counsel were to be heard.

The *Speaker* observed, that counsel were not ordered to attend against, but upon the second reading of the bill. If the House decided that the bill should not be read a second time, the opportunity for hearing counsel would never arrive.

The bill was then read a second time. After which, counsel were called in, when Mr. *Serjeant Bosanquet*, Mr. *Serjeant Taddy*, Mr. *Harrison*, Mr. *Marryat*, Mr. *Adam*, Mr. *Cross*, and Mr. *Alderson*, appeared at the bar, in behalf of various parties interested in the measure. Mr. *Serjeant Bosanquet* was first heard against the bill, on behalf of the Royal Exchange Assurance company. Mr. *Harrison* was next heard on behalf of the London Assurance company against the bill: Mr. *Marryat* argued at considerable length in support of the interests of the underwriters at Lloyd's; and, Mr. *Serjeant Taddy* appeared for the Insurance brokers, in whose behalf he adduced a variety of arguments. Counsel having concluded,

Mr. *Fowell Buxton* then rose to move the committal of the bill, and observed that the learned counsel who had been heard, had contended, that Joint-stock companies were entitled to no superior protection—a position in which he cordially concurred with them. They had also expressed an apprehension that if the present bill passed, Joint-stock companies would hereafter obtain those privileges. For his own part, he could see no reason for any such apprehension. To whom were such companies to apply? To the House? He believed not one member was

of opinion, that Joint-stock companies were entitled to any protection. To his majesty's ministers? They had expressed themselves decidedly hostile to them. To the law officers of the Crown? They had already given a body of opinion against them. But it had been suggested, that companies might form themselves to effect insurances, binding themselves by a deed not to be answerable beyond the amount of the sum the partners severally subscribed. He doubted the validity of any such deed; but he should be very ready to concur in a clause to declare any such agreement invalid. The simple object of his bill was to repeal the act of Geo. 1st. which was framed, more than acts of parliament generally were, in the form of a syllogism. The major was, that trade ought to be encouraged—the minor, that trade was promoted by the grant of exclusive privileges—the conclusion, that exclusive privileges ought therefore to be granted. The syllogism of his bill, on the other hand, was, that trade ought to be promoted—trade was promoted by abolishing exclusive privileges—therefore he proposed to abolish them. It had been truly stated by a right hon. gentleman on a former night, that there were four modes in which assurances could be effected; 1. by chartered companies; 2. by unchartered companies; 3. by partnerships; and 4. by individuals. The first and last, that right hon. gentleman (Mr. Huskisson) had stated to be the most inconvenient. Upon the general policy of allowing insurance by Joint-stock companies, he was borne out by Adam Smith; who, though no friend to such companies in the main, approved of them as applied to that particular object. But, a stronger authority in favour of the principle than the opinion of Adam Smith, or any other writer, was the universal practice of those countries in which the trade of insurance was unfettered. In France, to a very considerable amount; in America, almost entirely; in Holland, at Petersburg, at Copenhagen, and at Hamburg, the business of insurance, to a very great extent, was carried on by Joint-stock companies. As a proof that it was felt how much more desirable the security was of a Joint-stock company (in which all parties were ultimately liable) than the security of a chartered company, or of single individuals, the agent of a company at Paris had lately been in England, procuring insurances, upon the very ground,

that he could offer a security better than, by the law of England, we could give at home. He (Mr. B.) had not a doubt that, if once Joint-stock companies were formed, England, with her high credit and commercial character, would obtain almost a monopoly of the insurance of the world. And, what objection could be urged against the bill, beyond individual interests? Men's houses, and goods, and lives, were already insured by Joint-stock companies. But it was said, that the risk was greater in the case of marine insurances. If the risk was greater, the latitude should also be greater. But, the great proof of the advantage of companies was, that companies did exist for effecting marine assurances. They were illegal; they operated under a great disadvantage; yet they did exist and carry on business. His argument therefore was, that in all countries where insurances were free, they were effected by companies; and that in England they were effected by companies, in those cases in which companies were lawful. The inconveniences of the present system were striking. A merchant in the country who wished to effect an insurance, wrote to his agent in town; the agent went to the broker; and, both broker and agent had to be paid. It had been complained, that he had said that the merchants paid the brokers. He never meant that two distinct payments were made to the insurer and the broker, but one gross sum was paid, in which the broker's payment was included. He had stated, that the broker's payment was twenty-five per cent on the premium. This, he hastened to say, was a mistake. He had been led into it by the committee of 1810; the sum really paid was ten per cent. The broker was necessary now, because there was to be a dealing with many individuals; but, a public company would be dealt with directly, and the agency would be spared. In the matter of settling, the advantage to be expected from the measure was incalculable. As matters now stood, the broker first offered the policy to the chartered companies; but they would take nothing but the best risks. He then went to Lloyd's, and the policy was underwritten by a number of persons, according to the magnitude of the sum. After a lapse of two or three years, perhaps intelligence was received of the vessel being lost. The insurer looked at once, as a matter of course, for the settlement of his policy; but, he found one underwriter

probably dead, and his executors (troublesome people generally) were to be dealt with; a second was insolvent; a third litigious, and ready to defend an action. The difficulties encountered in this way were frequent and serious. He held a list of policies in his hand, done, to the amount of 150,000*l.*; between the years 1810 and 1814; and there was not one of them in which there had not been a death, an insolvency, or a litigious suit, prior to its settlement. In one case—upon a policy of 10,000*l.*—there had been nine underwriters, and four insolvents. He did not mean to insinuate that all underwriters were insolvent, or litigious, it was enough for his purpose that these evils were frequent. As to the bill, it would remedy the evil from death. Now, with a Joint-stock company, three-fourths of the evil would be avoided. A company did not die; its insolvency was in the highest degree improbable; and in case of litigation, one action would be brought instead of twenty. Under such circumstances, there could be no doubt that insurances with companies would be preferred; and it was hard that the merchants of England should not, like the merchants of other countries, be allowed to take that security which they thought most advantageous to them. What was wanted in insurances was capital and security; and as England surpassed all other nations in capital and security, there was every probability that it would, if the trade were free from restrictions, monopolize the insurance trade of the world. As to the claims of the two chartered companies (the Royal Exchange and London Assurance), the simplest answer would be a statement of their privileges. The chartering of those bodies had commenced in a job, and their powers had continued longer than they had a right to hope for. Personally, he desired to speak with great respect of those companies, and of the parties connected with them; but, the terms of their charter were distinctly no more than these; they had their exclusive privileges granted them on the condition of the payment of 300,000*l.* each, and it was stipulated, that if the privilege were removed in 31 years, the sum should be repaid to them. This limited, evidently, their duration to 31 years; even if they paid the 300,000*l.* each. But, in point of fact, they paid only 150,000*l.* each; the rest having been remitted, on a statement of the losses they had incurred. They

had enjoyed these exclusive principles, not only for 31 years, but for 104 years; and, having had the benefit of them for more than three times the stipulated period, he thought they had no just cause to complain, if their exclusive privileges were no longer continued.

Mr. Grenfell said, that his hon. friend had alluded to the Alliance Company, upon which subject it had been his intention not to have made any observation; but, as it had been introduced, he would speak of the individuals who composed it, in terms of the highest respect. No names, certainly, could be more respectable; but it was proper the country should know the principle on which that Company was founded. The principle was this: a certain number of most respectable merchants had formed themselves into a company, with a real capital of 500,000*l.*, although, in the prospectus which they had issued, they called it a capital of five millions. They might as well style it fifty millions; but he maintained, that the only tangible capital which had been subscribed was 500,000*l.* always, of course, bearing in mind, that each individual subscriber would be liable for all the engagements of the company. So long as we found the names of Baring, of Rothschild, of Irving, of Buxton, and of Alexander, nothing, certainly, could be more respectable or substantial than the security; the bank of England could not be better. But, however respectable those names might be, was it not at any time in their power to transfer their shares, and then would the public have such solid security? For the public never could have the means of knowing when those transfers might take place. In supporting this view of the subject, he stood there as the advocate of two chartered companies, who held their privileges under the sanction of an act of parliament. In all the votes which he had given on that subject, he had proved himself a warm friend to the fullest freedom of commercial transactions, and no connection with either of the two chartered companies should ever induce him to depart from that principle. But he could not, therefore, consent to the violation of privileges which were held under the protection of an act of parliament, and for which a valuable consideration had been paid. In the act of parliament, an express clause had been introduced, specifying the grounds upon which they were to enjoy them, and their

duration; and yet, they now were to be placed in just the same situation as if such a clause had never been enacted. But, did the act stop here? No; in the very next clause it pointed out the mode in which the charter was to be affected, in case such a step should become necessary; namely, that in case it became expedient, his majesty might revoke the charter by letters patent. He, therefore, grounded himself upon the act of parliament, and maintained, that they could not interfere with the charter unless in the mode which the act pointed out; namely, by an application to the king in council. In support of this view of the case, he was fortified by precedents. There was the case of the *Globe Insurance Company* in 1806, which was composed of the most respectable names; but that bill was rejected. In 1810, several merchants formed themselves into a similar company, and a bill was brought into that House, which was opposed by himself and some others; the consequence of which was, that the measure was referred to a committee to inquire into the whole state of the *Marine Assurances*. He had had the satisfaction, on that occasion, of being supported by the then chancellor of the *Exchequer*, Mr. Perceval; there was on the same side, sir Vicary Gibbs, together with sir Thomas Plomer, at that time solicitor-general. Those distinguished individuals voted against the measure, on the ground, that the act of parliament pointed out the mode in which alone the charter could be touched; namely, by an appeal to the privy council. The bill was accordingly thrown out, and an application was made to the privy council, of which, at that time, lord Ellenborough was a member. However, they did not think fit to follow up their claim. The measure consequently fell to the ground, and, since that period, this was the first attempt to revive it. He therefore thought that, in tenderness to vested rights, which should be sacred, they could not, without a gross violation, touch the charter, in any other mode than that which the act prescribed. He respected the omnipotence of parliament, but he hoped that it would in this instance, as it had always done, respect the vested rights of these two companies; and, as he had before received the support of a former chancellor of the *Exchequer*, he looked forward with confidence to the assistance of the right hon. gentleman opposite, and trusted he would

join him in negating the present proposition.

Mr. *Hudson Gurney* said, he had the greatest doubt whether any company ought to be allowed to effect marine Insurances, and, at the same time, Insurances on lives: the nature of the one being an insurance against immediate risk; and the other being a yearly payment for an eventual return to a man's family, calculated on different principles, and which ought not to be subjected to future hazards, which it was impossible for the insuring party to guard against, or to foresee.

The *Chancellor of the Exchequer* said, that in considering this measure, the question he had asked himself was this: whether upon any principle of equity or justice he was bound to object to the course taken by the hon. gentleman opposite. And first, with regard to the policy of the measure, he had expressed a decided opinion in 1813, when he was in the Board of Trade; the question was then under the consideration of government, and he had given an opinion favourable to the repeal of the exclusive privileges of these two companies, and certainly did not think they had made out the strong case which the hon. member for Penryn seemed to suppose. They had undertaken to pay, in consideration of the exclusive privileges to be derived from their charter, the sum of 300,000*l.* each, of which sum they actually did pay 120,000*l.* There was also a condition, that they should enjoy these privileges for the space of 31 years, unless they received six months notice, which notice was to be accompanied with the repayment of their money. This sum was the *quid pro quo*. A considerable space of time had elapsed since the expiration of the period, and the question had not been raised, partly, perhaps, because there was no anxiety about the matter, and partly on account of the difficulty in determining the mode in which these privileges were enjoyed. The difficulty he took to be this: the act of parliament limited the prerogative with respect to the charter; so that, if the Crown were to revoke it, it must be done absolutely. It could not be done in part; and if the Crown were to interfere at all, it must be done completely; and then they would be left no charter at all. It was to enable parliament to deal with this insulated part of the exclusive privileges of the charter, that it became necessary

to introduce this measure. He did not think that any injustice would be done by passing this bill; but that many advantages might arise from abolishing those exclusive privileges of which these two companies had availed themselves to a very limited extent indeed. Looking, therefore, at the measure in this point of view, he felt himself called upon to vote in favour of the bill.

Mr. *Thomas Wilson* said, he regarded this question as one of very great importance. He confessed he was a good deal surprised at the view which the chancellor of the Exchequer had taken of the subject. Now, if one half of an engagement were to be binding, he could not see why the other should be violated. He thought he was justified in saying, that if the House should pass this measure, they would be invading vested rights upon theoretic speculations rather than upon good sense and sound experience; and the more especially he thought so, after the cases alluded to by an hon. gentleman opposite, and the names which he had mentioned as supporting his view of the case. But, he should like to know what was the necessity for this measure. The hon. member who had introduced the bill had said, that if the measure should pass, we should have in this country the insurance trade of all the world; but this opinion appeared to him to be exceedingly ill-founded. All the foreign companies were falling to pieces. At *Ham-
burgh*, the scheme had been a failure altogether. In *France*, the *Compagnie Royale* took insurances only in *Paris*; and the shares of the *Compagnie Generale*, which had broken in upon its capital, were at a discount of ten per cent. The present system was approved of by the merchants of the country; and in his judgment, instead of looking out for public companies, they should look out for good underwriters. He therefore, thought it would be letting down the dignity of the House of Commons to interfere in the concern, when the act of parliament had pointed out the course which should be adopted; namely, an application to the king in council.

Mr. *Hume* said, he had at first thought that the two companies had a claim for compensation, if their privileges were taken away; but, on further consideration, he had come to the conclusion that his first impression was incorrect, and he could only consider the two companies as

individuals having a lease for 31 years, for which they had paid a consideration. If, then, his majesty's government had taken away their privileges before the 31 years had expired, they would, in his opinion, have had a claim, which, as the case stood, they certainly had not. It was generally agreed, at present, that exclusive privileges were not to be defended. Let, then, the opposers of this measure make out why this particular case should be an exception to that general principle. If his majesty's ministers were to advise the Crown to abolish the charters, that might certainly be done. The course, therefore, which they were now taking, was of consideration for these companies; and therefore he really did think that the opposition made to the measure by the parties interested was, to say the least of it, very injudicious. He was not connected with either of the companies, or with *Lloyd's*, and was at first inclined to see the measure unfavourably; but it should certainly now have his support.

Mr. *Alderman Wood* said, it was true, that ministers might recommend the revocation of the charter, if any injury had arisen in consequence; but, was there the slightest evidence of this in the present case? He bore his willing testimony to the correctness and honourable dealing of the gentlemen connected with *Lloyd's Coffee-house*, and the liberality with which they lent their aid to every charitable institution and benevolent object.

Mr. *Alderman Thompson* contended, that the acceptance by the government of the 120,000*l.* from the chartered companies, was a confirmation of their rights, and exclusive privileges. He denied that, as the business of marine assurance was now conducted, it could be considered as a monopoly, or that it interfered with the interests of a free trade. There could be no greater or more active competition afforded to the public than that existing at the establishment at *Lloyd's Coffee-house*. What he apprehended was, that the present measure would destroy the competition, and in the end create a great monopoly. He looked with caution at propositions alleged to be founded on the principles of free trade, proceeding from a quarter which, when the *Spitalfields Bill* was before the House, last session, shewed that, where personal interests were at stake, there was no aversion to the closest monopoly. As he before stated, the effect of the bill would be, eventually

to destroy that public and active competition which now existed. Look to the progress of insurance associations in Hamburg. In 1806, there were in that city no less than eighteen or twenty of them, founded on the joint-stock principle. By that overstraining principle they were now reduced to six companies. There did not exist a necessity for a greater competition in marine assurances than the public at present possessed. There were more than a thousand underwriters at Lloyd's, and the competition was as open to the insurer, at that establishment, as Mark Lane was open to the corn-seller, or Mincing Lane, to the dealer in sugar. The bill was most unnecessary, and would produce severe injury to 3,500 brokers and underwriters. Had the hon. member for Weymouth, in place of enlisting the exertions of his majesty's ministers in support of his measure, endeavoured to induce them to reduce the policy duty, amounting to between 30 and 40 per cent., then, indeed, would he have effected a great public benefit, and given to commerce and industry, and free trade, a considerable facility. Let the House look at the effect of an overstrained competition in other public companies. Had any good resulted from the numerous establishments of Water and Gas Companies? They became so numerous as to risk their ability to continue. And what was the expedient? They had portioned the metropolis into different districts, under a positive engagement not to interfere with each other; so that in the end the public were obliged to pay at a much higher rate than when the nominal competition was less. Indeed, some of the water companies, having been obliged to parliament for a change in the acts under which they were originally regulated, had in consequence of the alteration, increased the rate of charge on the public 50 per cent. For his own part, he had no personal connexion either with Lloyd's or the other two companies; but as a merchant, having, in the nature of his business, had extensive dealings with the first, he had experienced the greatest facility, without any of those injuries to which some hon. members had alluded.

Mr. Buxton said, that after the personal attacks which had been made upon him—[cries of "no, no."] He must contend, that it was a direct personal attack to say, that he felt and thought differently where his own interests were concerned. He

appealed to the candour of the chancellor of the Exchequer, whether in the measure which he had introduced relative to the trade in beer, he (Mr. B.) had been found in the number of those who were his opponents, either in or out of the House. He was placed in a situation of great difficulty: public duty and private interest were conflicting; and he would appeal to that right hon. gentleman to say to which he had submitted.

Alderman Thompson disclaimed any idea of personal disrespect to the hon. member for Weymouth.

Dr. Lushington said, he should consider the question in two points:—first, whether the repeal of the exclusive privileges of those chartered bodies was calculated to be generally advantageous; and next, whether, in effecting that repeal, any unjustifiable invasion of the legal rights of others was attempted? If he believed that those companies were, by their charters, legally entitled to any exclusive privileges, he would be the last man to rob them of their legal rights without full and adequate compensation. But, the reverse was the actual case, as it respected the claims of those companies. He had heard much of the opinions said to have been given by sir V. Gibbs and sir T. Plomer, as to the rights of those two companies. He owned he affixed little value to the opinions of lawyers, unless he was in possession of the precise case that was laid before them. Indeed, every man must know that the character and value of a legal opinion depended wholly on such statement, and that on the very same circumstances, they would get the conflicting opinions of counsel, if the case laid before them differed even in minute points. It was not in the power of the Crown to give to these companies the monopoly claimed. The very words of the act of parliament which recognised their existence, gave to the public the power of revocation, after thirty-one years, on paying back the money advanced. He must be allowed to add, that judging from the inference that he drew, his hon. friend did not appear to him to understand the meaning and object of that clause. By that clause the Crown was enabled to destroy these charters, without the forms of a writ of inquisition, or scire facias, which was the ordinary process of the law, where the rights of other chartered bodies was impugned. The plain intention of this peculiar provision was to give, quoad,

these two companies, a new power of revocation, or rather an additional facility in revoking them. It would be a most extraordinary deduction from these that parliament, who itself had given that facility to the Crown, had tied up, by so doing, its own hands, and abdicated a power which it had uniformly heretofore exercised. These companies had now, it was to be remembered, enjoyed the benefit of the monopoly for fifty-seven years. He should next offer a few observations as to the policy of the measure. He was a determined advocate for unfettering trade in every branch to the greatest possible limit. On that principle he had voted for every measure introduced by the chancellor of the Exchequer and the president of the Board of Trade, with the view of effecting that desirable object. The hon. member for London, would fain persuade the House, that the system of marine insurances had reached its utmost perfection in this country—and that any interference would destroy its symmetry and grace. But the hon. member had not deigned to tell how it was, that with two exclusive companies, and the establishment at Lloyd's, that system had reached the maximum of perfection. The hon. member, in pronouncing that panegyric, must have forgotten the report of the committee of 1810. Nor was he the only member who wholly overlooked that report. The worthy Alderman (Wood) had stated that there was no necessity for the present bill, and that it was hurried on the attention of the House without any previous information given. The answer to all these objections was, that the measure had been fully inquired into, and that the committee had made a report which, for ability and accuracy, had not been exceeded. There was, therefore, no ground whatever for the statement, that the House was not in the possession of any evidence. The hon. member feared that the insurances would be so reduced by over-competition, that he should get his ships insured for nothing. The fact was, that if the charge was now too high, the competition would reduce it beneficially for the public. If, on the other hand, it was now at its greatest depression, then the competition could not make it lower. Since the Gas and Water Companies were formed, the public had had the fullest supply. There was a great want both of light and water until the competition was introduced. He recollected

when the first Water Company was introduced, the effect of that competition was, to reduce the value of the shares of the first Water Company from 10,000*l.* to 7,000*l.* He should therefore support the Bill, both on the principles of justice and expediency.

Mr. *Plummer* said, that although the advocates of the bill declared it was for the encouragement of competition, yet the effect of it would be to destroy competition; for if 50 or 60 joint-stock companies were formed, was it to be supposed the 1,500 or 1,600 individuals who were at present engaged in it could continue to carry on their trade? If these charters were only to be considered as leases for 31 years, why introduce the words "perpetual succession?" In that view, they differed from those other companies such as the East India and Bank, with whose provisions the legislature had interfered. The vested rights of private individuals were never invaded without granting adequate remuneration. The claims of companies secured by charters, stood on still stronger grounds. He thought the bill unnecessary to the public, most injurious to those whose interests were affected.

Mr. *Lockhart*, in answer to the observation of these charters being granted in perpetual succession, showed, that by a subsequent clause in the act, they were made determinable by the authority of parliament. He supported the bill.

Mr. *Manning* considered the measure unnecessary, from the reduced rate at which all risks were at present underwritten.

Mr. *Robertson* entreated the House to look narrowly at this measure, so fraught with danger to the commercial interests of the country. Mr. Fox's famous India bill, which at one period agitated every trading town in the empire, was not so pregnant with danger to the state. What were the names that stood foremost upon the lists of this new company? Mr. Baring, Mr. Rothschild, Mr. Irving, Mr. Alexander, and others—the whole United money interests of the empire. A company thus formed was infinitely more dangerous than a chartered association of underwriters, personally responsible, and acting under limited restrictions. It would, in its branching out among the shareholders, eventually engross to itself all the underwriting of this great city. Now, the commerce of the country was at present rather a great agency business

than any thing else; and, so far from sanctioning a company of this engrossing nature, parliament was bound to take care that the interests of those foreign merchants who sent their consignments to this country, should be protected in the most effectual and the least objectionable manner; and this was only to be done, in his opinion, by the present system of underwriting. Unhappily, however, his majesty's ministers were disposed to lend too fond an ear to any suggestions coming from that mass of wealth which had been put in motion on this occasion. It was notorious that some of the individuals of whom it was composed were the great loan contractors for every power in Europe that proposed to raise money by borrowing in foreign markets. This itself might be an evil; but, was it not apparent, that all those who joined this underwriting company, by the embarkation of their capital in the project, were in fact taking shares in those very loans? But this measure now before the House formed but one link in the fatal chain which his majesty's ministers had been for some time forging, and which would operate if it should be completed, to the destruction of the whole commerce of the country. His own experience had but too strongly exemplified to him the tendency which they seemed to have to encourage commercial projects of a novel and most hazardous character. There had been a committee sitting up stairs on the navigation laws not long ago; and, so far as it was proposed to review and consider the system, he fully concurred with the committee.

The House divided: Ayes 51. Noes 33. The bill was accordingly committed for Monday.

IRISH BUTTER TRADE.] Mr. T. Wilson rose to move for leave to bring in a bill for regulating the Butter Trade of Ireland. He said the necessity of the bill arose out of the extensive frauds that were practiced by persons engaged in importing butter from Ireland. There was a regular practice of putting false brands and false names on the casks, which had produced great loss to the London importers.

Mr. Hutchinson urged the necessity of giving time to allow the bill to go to Cork in order to obtain the opinion of his constituents upon it.

Sir H. Parnell was surprised that no

member of his majesty's government had given an opinion upon the motion, as the object of the bill was clearly at variance with all those principles upon which they professed to act. The proposed bill was to correct frauds in the butter trade, by enacting new regulations; while the real cause of the frauds were the impolitic regulations of the existing law for regulating the butter trade. The true remedy for the frauds complained of, was to repeal the act of 1812; for this act, by requiring the branding of the quality of the butter on the cask, enabled the exporting merchants to use false brands, and impose upon the foreign merchant. These evils he had foretold, and it was not his fault that they had occurred, as he had divided the House upon the act of 1812. He had received a petition within a few days from the gentlemen farmers of the Queen's County, concerned in the butter business complaining of the regulations of the act of 1812, and desiring the repeal of it and making the trade quite free. They complained of the vexatious oppression of placing their property at the disposal of tasters and weightmasters, and of the heavy expenses and losses attending the sale of butter. This act of 1812 was full of injurious regulations. Nothing could be more unjust and absurd, than to require the value of butter to be fixed by a public officer, supposed to have most extraordinary powers of taste. The delay of weighing all the casks at public scales was attended with the greatest inconvenience and loss to farmers, by keeping them away from their homes. The regulation about the weight of butter to be put into a cask was equally unjust, and a source of loss to the farmer; for if more was packed in a cask than the law allowed, the buyer could not pay for it. The limiting the kinds of wood of which the casks were to be made, was very injurious in a country where trees were scarce, and where other wood, besides those allowed, was fit for casks. The whole of the act was founded on the falsest and most generally exploded principles. He hoped the House would go with him in opposing the bill of the hon. member, which had for its object the upholding of the act of 1812 by new regulations, and that they would prefer a bill which he should move for on a future occasion, for repealing the act of 1812.

Mr. Huskisson was quite ready to admit that the existing regulations were contrary to all sound principles, and that

they must necessarily be attended with all the practical inconvenience which had been mentioned. He thought the subject ought to be fully inquired into next session. In respect to the proposed bill, he understood it went to correct some particular evil arising out of the general law, and as such, for the purpose of providing a temporary remedy, he was not disposed to refuse permission to bring it in, but he begged to be understood as not in any degree pledging himself to support the bill in its future stages, or to take any part in continuing the existing regulations.

Mr. S. Rice was disposed to take the same view with the hon. baronet. He believed great practical injury was sustained by the farmers, and that it was well worthy of the consideration of the House, whether or not the whole of the existing regulations should be repealed.

Sir J. Newport defended the act of 1812, by saying, that the state of society in Ireland, and the description of persons engaged in the manufacture of butter, made it necessary to protect the buyers of butter from frauds. These had been practised to a great extent before the act of 1812, particularly in the districts of the county referred to by the hon. baronet; and unless the regulations were continued, every description of fraud would be again practised by the persons engaged in making butter.

Mr. Maurice Fitzgerald said, that these regulations had been productive of great vexation in the county with which he was best acquainted, and hoped that the president of the board of trade would carry into effect next session, the inquiry so much called for.

Leave was given to bring in the bill.

SCOTCH JURY BILL.] On the order of the day for the third reading of the Scotch Juries bill,

Mr. Home Drummond said, he was sorry to be obliged to state, in this late stage of the bill, objections that went rather to the details than to the principle of the measure. But he had been deprived of the means of making these objections in the proper stage, when it was in the committee. He differed little in principle from the hon. member who brought in the bill, and he knew that the principles on which it was the object of the hon. and learned gentleman to legislate were approved of by the House. But he thought the bill, in its present shape,

would lead to inextricable difficulties, and great embarrassment in practice. He said, that though he was not aware of any practical evil that had resulted from the present system of nomination of juries by the judges, he thought it objectionable in theory, and should not defend it, as the opinion of the House had been repeatedly expressed on the subject. It appeared to him perfectly practicable to introduce an unexceptionable substitute for this practice, by arranging the lists of jurors into classes of landed men burgesses, &c. and balloting a number, to be fixed, out of each class. In this way that great excellence of the present system would be preserved, by which, from every jury containing a portion of every different class of society, both prosecutors and prisoners were preserved from the prejudices and biases of any one description of persons, and juries were in reality a sort of representatives of the country. He hoped it would be kept in mind, that the juries about which the House was legislating, came in place of all grand and petty juries, of all common and special juries, in all crimes, whether felonies or misdemeanours; and therefore it was of the utmost importance to guard well the manner of proceeding. The regulations about parishes and columns were likely to be attended with no other effect than creating trouble and difficulty in conducting trials. All this first part of the bill appeared to have been framed on the idea of there being no ballot, but a system of rotation in the selection of juries; and when it was afterwards determined to insert the clauses about ballot, it did not seem to have occurred to the hon. member to remove the other clauses, originally drawn with a different view. If the principal gentlemen of the country were to be summoned from the remotest parts of counties, to try an old woman before the sheriff for stealing a shirt from a hedge, was it expected they would come as they did under the present system, from a feeling he had often admired of public duty, from great distances, at much expense and inconvenience? Penalties might be resorted to, but he thought them a bad substitute for public spirit; and it was likely the bill would operate as an objection to jury trials before the inferior courts. Many of the regulations were expressed, even in matters of the smallest consequence, in such peremptory language, that the displacing

a name, or mistaking a parish, or the most trifling variation, might often stop the whole proceedings of a circuit court. He thought there was already too much obstruction to the course of justice in criminal trials in Scotland from technical niceties, which it was the duty of the prisoner's counsel to enforce; and this bill was calculated greatly to aggravate the evil. The hon. member commented at considerable length on the different clauses of the bill, which he described as cumbersome and useless, and pointed out various inconsistencies and imperfections, to which he objected in detail. It seemed very strange that one important clause of the bill should be so expressed as to extend to all trials, whether civil or criminal, before the inferior courts; another, about objections to jurors, was quite unintelligible, and seemed to confer a power to sustain objections to all the jurors that were applicable to any one of them. He was not stating these as insurmountable obstacles; on the contrary, they might easily have been removed in a committee; but certainly the bill, in its present shape, was in a very unfit state to pass into a law, and would do little credit to the House, or to those who framed it.

The bill was read a third time and passed.

HOUSE OF LORDS.

Monday, May 31.

ROMAN CATHOLIC PETITIONS.] Earl Grey rose to offer a petition which had been put into his hands, signed by certain Roman Catholics of Ireland. The petitioners stated, that the Union, instead of restoring them to their rights, had been of no benefit to them; and that they looked on it as having greatly aggravated all the evils under which the petitioners before suffered, and having in addition inflicted a greater evil still, by taking away from the country a resident gentry, and depriving the people of their natural protectors. The next object of which the petitioners complained, was the system of tithes, which was a more special injury to them, as seven-eighths of the people were Catholics, who contributed to these tithes for a church, from which they not only derived no advantage, but from the members of which, the petitioners stated, they met with nothing but contumely and insult. The petition also complained of the administration of justice, not in the upper

courts, but in the local jurisdictions and subordinate courts. The petitioners also complained of the spirit of party in Ireland, which had pervaded corporations, and caused their affairs to be so managed, that they were productive of the greatest oppression to the petitioners. The petitioners further stated, that all these acts and hardships had their source in those penal statutes, which excluded them from the privileges of the rest of their countrymen. They also stated, that there could be no hope for the permanent tranquillity of Ireland, unless the disabilities of which the petitioners complained were removed. They prayed, therefore, that there might be a reform in the temporalities of the Church; a reform in the corporation laws, that Orangemen might be excluded from Juries, and the Catholics relieved from the disabilities under which they labour. Before he determined on presenting the petition, he had felt it to be his duty to ascertain that it contained nothing disrespectful to their lordships, and beyond that, he conceived it was not his business to inquire; for, according to his view, the presenting a petition was an act purely ministerial, which no noble lord could be excused for not performing on account of any difference of opinion as to the matter which the petition might contain. He had said this much, because there were in the petition statements with many parts of which he could not agree. He had therefore left to the persons from whom he received the petition, after stating to them his opinion, to say, whether they would choose to make him the medium for presenting it. The answer returned was, that they still wished he would present it, and give it his support as far as he could; and it was in consequence of that request that he had now the honour of addressing their lordships. With respect to the main object of the petition—the removal of those disabilities and disqualifications by which the Roman Catholics were excluded from a full participation in the advantages of the British constitution—it certainly had his fullest concurrence. Retaining as he did, the opinion he had on all occasions expressed, with respect to those disqualifications, he should, whenever that question came to be discussed, support it with the same zeal as heretofore. With the other prayers of the petition, he certainly could not agree; and he could not help considering it a subject of much regret that they should appear in

it. One of those statements, he could confidently say, was totally unfounded. It was that in which it was stated to be reported, that the faction, of which the petitioners complained, had the countenance and support of an illustrious personage (the duke of York). Now, he was sincerely convinced, that however much that illustrious person might differ in opinion with the petitioners, the natural benevolence of his heart would make it his wish to extend to all persons the benefits of the British constitution, and that it was only a paramount sense of duty which induced him to oppose a prayer for such an object. With regard to the extraneous topics to which he had alluded, he considered those by whom they were introduced to have been very ill advised. He in particular disapproved of the sweeping manner in which the petitioners spoke of disfranchisement of corporations, and the reform of the temporalities of the church. Differing from former petitions so much as this did, it was not possible to refrain from lamenting that such a difference should be exhibited; but, however much that might be a matter of regret, it ought to be none of surprise; for, it was the effect of disappointment and irritation, produced by a long continued system of misgovernment, both civil and religious, in Ireland. By this system of misgovernment parties had been kept in conflict with each other, throughout every part of the united kingdom. Those who were lately taught to encourage a hope that their complaints would be listened to, were disappointed and overwhelmed with despair. This was to be expected from the instability and fluctuating nature of the measures of the government; for he was convinced that the evils of Ireland were much aggravated by the present state of the administration. The soil was rich and fertile, but those who laboured it were in poverty. That a people possessing warm hearts, high feelings, and every quality capable of rendering them great and prosperous, should be reduced to the state in which the people of Ireland now were, without any fault on the part of government, was a proposition so contrary to every acknowledged principle, that he could not for a moment give it credit. The situation of Ireland must therefore be the effect of a long series of years of misgovernment; but the evils arising from that general misgovernment were as he had said, greatly aggravated by the pre-

sent state of the administration. Their lordships knew that there was a division in the cabinet, which could not fail to produce most mischievous fruits. One of the consequences of this division was, that by one party the hopes of the Catholics were excited; by the other, the fears of the Protestants were alarmed. The hostile parties in the country were brought into the field. The one was encouraged to advance demands which the other was taught to resist. Thus, while disappointment and despair were experienced on the one hand, an insulting triumph was exhibited on the other; so that Ireland was never before in such a state as it was at present. He therefore felt most anxious for the removal of the great cause of that state of things. With a sincere wish that a favourable opportunity would soon arise for directing their lordships' attention to the main object of the petition, he should content himself with moving that it be laid on the table.

The clerk proceeded to read the petition, which was discovered to be divided into two parts, each on a distinct and unconnected piece of parchment. In consequence of which, it was withdrawn.

WELCH JUDICATURE.] Lord *Cawdor* rose to move certain resolutions relative to the administration of Justice in Wales. It had been, he said, in various periods of our history, frequently endeavoured to effect a reformation in the system of the judicature of Wales. It was to him unaccountable, that after petitions had been presented to both Houses of Parliament, complaining of the want of a due administration of justice—after committees of both Houses had made reports, recommending an adequate reformation—it was to him unaccountable, that the executive government should remain indifferent to the subject. He should conclude with moving, that the House should resolve itself into a committee, for the purpose of entertaining the following resolutions:—First: “That, in the judicature of Wales, there exists not a due administration of justice: secondly, that such defect had arisen from the local and unlimited authority of the Welch judges: and, thirdly, that such an addition be made to the number of English judges, so as to include Wales in the English Circuits.”

The Lord Chancellor observed, that under the present constitution of the judicature of Wales, there was an access to

the courts of Westminster. He had now been for nearly forty years acquainted with those courts, and, during that period, he had known of only six applications to the courts of Westminster from the Welch courts. The motion of the noble lord deserved great consideration. The subject might merit the attention of a select committee, and certainly, the change ought not to be made without it; but, if it were now appointed, no report could be made during the present session. On this account, the noble lord had called upon the House, on the sudden, to resolve itself into a committee, in order to adopt certain resolutions. Of such a summary course of proceeding he (the lord chancellor) could by no means approve, and would therefore resist the motion.

The Marquis of *Lansdown* was of opinion, that the noble mover had made out a strong case for the adoption of his resolutions. The mode in which justice was administered in Wales required immediate reform, and under such circumstances it was not surprising that the noble mover should propose a course of proceeding somewhat sudden and summary. In England, the judges were chosen for their legal learning, and high characters, and were independent of the Crown. In Wales, they were appointed, not for their professional attainments, but from political influence, and they were in general the creatures of the minister of the day. The proposition was supported by the sound principles of British law.

The House divided—for the resolutions 6. Against them 14.

HOUSE OF COMMONS.

Monday, May 31.

ROMAN CATHOLIC CLAIMS — PETITION OF CATHOLICS OF IRELAND.] Mr. *Plunkett* rose to present a petition, from the “undersigned” Roman Catholics of Ireland, praying for relief from the penal laws which still oppressed them. He begged to state, in presenting this petition, that he entirely concurred in its contents, with the exception of one single paragraph or observation. The petition was, with the exception of the passage to which he had alluded, drawn up with temper and propriety. It stated truly, that the petitioners were not now under the necessity of making a parade of their attachment to the constitution, or their

loyalty, for those were already known. They further stated, that they should never forget the grace and kindness shown to Ireland by his majesty, during his late visit, and the benevolent effort he had made for the extinction of the party differences which had so long convulsed their country. If the royal intentions, they added, had been frustrated, it was not by any act of the Catholics, but by their enemies, and that they had held the royal injunction sacred, until their priesthood and their religion had been appropriately assailed “by the highest dignitaries of the church established by law.” This was the passage which he wished had not been inserted in the petition; for it was calculated to introduce an angry and recriminatory feeling into their question, which was calculated to mar its progress, which, in his judgment, materially depended upon the discussion being divested of every irritable, and above all of every polemical topic. The petitioners appealed to the events of the last two years, to show that there could be no peace in Ireland, as long as the great preponderating portion of the people were shut out by the minority from the enjoyment of those civil rights to which both were equally entitled. They pointed out the injurious and galling effects which had sprung from this monopoly of power—the expense it entailed upon England—the poverty and insubordination which it perpetuated in Ireland,—and they praised the administration of the marquis Wellesley for its equity and mildness. They respectfully submitted to the House, whether the time had not arrived when, instead of coercion and exclusion, a middle course ought to be pursued by the legislature towards Ireland, and declared the enthusiastic gratitude with which they should hail so wise and salutary a change in the policy of the government. He begged particularly to be understood as presenting a petition from the “undersigned” Catholics, he believed 1800 in number, and from the “undersigned” only. In doing so, he disclaimed being under the control of any body of petitioners, or connected with any party of them in Ireland. He was peculiarly anxious to have this particularly understood. In presenting this petition, he wished to state further, that he did not contemplate any ulterior motion upon it in the present session. He had always, in the discussions upon this question, reserved to himself the right of judging

when he should found upon the petition of the Catholics a motion for further proceedings; and, in abstaining, in the present session, from founding any such motion upon the petition, he was gratified to find that he acted in coincidence with the opinions of his oldest and best friends of the Catholics, who concurred with him in thinking, that any motion now would be unavailing and hopeless. When he could not advance their question, he certainly should, in the exercise of their judgment, refrain from taking any step which could do no good. He still retained unaltered every opinion he had formed upon the Catholic question: those opinions had been formed according to the best dictates of his judgment, upon very mature deliberation, and after the most unprejudiced view of the whole subject. He had no motive to prompt them, but a sense of justice and sound policy. Prejudice entered not into his consideration; for if he had any, it would have applied the other way. He had reflected upon and examined, over and over again, these opinions; and looking at the state of Ireland, at the state of England, and at the state of Europe, he saw every where reasons for the more deep confirmation of his opinion, not only of the justice and of the importance, but of the urgency of this act of concession, and that every hour of delay which it encountered was calculated to diminish its chance of ensuring tranquillity and peace [hear, hear]. Of this also he was most positively convinced—that whatever temporary obstacles were in the way of this cause, its advancement and ultimate success could not be prevented, and that onward to its final consummation it must proceed with unerring force.

Ordered to lie on the table.

ROMAN CATHOLIC ASSOCIATION— PETITION FROM IRELAND AGAINST.]

Mr. *Brownlow*, in rising to present a petition, respecting the Roman Catholic Association of Dublin, said, that the subject, on which he had to address the House, was as well entitled to mature consideration, as any subject that had been brought before the House during the present session. He hoped, also, that it would attract the attention of his majesty's ministers—not an attention which produced a speech or two, soon uttered and soon forgotten, but an attention which would lead to the fearless and impartial

exercise of the powers entrusted to them for the preservation of the peace of Ireland, or to their calling, if necessary, for stronger powers from Parliament. He was authorized by a gentleman of the highest respectability, to state, that the petition had been most carefully prepared; that the petitioners were freeholders at the time assembled in Dublin; and he was assured that if it had been exposed but one day it would have received thousands of signatures. But, if there was but one name attached to it, it would bespeak attention, from the importance of the truths it announced, and the magnitude of the evils it exposed. The petitioners stated, that they hoped to see their country restored to the blessings of peace and harmony. They represented, and he agreed with them, that the internal peace and harmony of Ireland was inconsistent with the existence of this Catholic Association. The petitioners stated, that they found, if not the full cause, at least one essential cause, of the present dissensions in Ireland, and that was, the Catholic Association now sitting in a form almost parliamentary in the Irish metropolis. He said, almost parliamentary, for they held their regular sessions, nominated their committees, received petitions, referred them to their committee of grievance, ordered a census of the population to be taken, and had actually proceeded to do that which the House of Commons was alone the constitutional organ of imposing; namely, to levy a tax upon the nation. They assessed the cities, towns, and even parishes, appointing collectors in every district, for the receipt of a tax which they called "Catholic Rent." For what purposes this fund was raised was, in part, left in obscurity; but the objects which were avowed, were not calculated to throw a favourable light on those which were left behind. The first alleged purpose was, the supply of a Catholic priesthood to America; the next, to supply a Catholic priesthood to England. The Catholics in England, they said, had multiplied almost beyond their hopes. The emigration, in consequence of the French revolution, had, for a time, supplied England with a priesthood, but now that source had ceased, it would well become the charity of the people of Ireland to step in to the aid of their haughty neighbours. The next avowed purpose of the tax was to buy up such part of the independent press, as should propa-

gate opinions obnoxious to this self-constituted legislature. He would put it to any man who knew the state of Ireland, and the disposition of its inhabitants, whether such a focus of inflammation could with safety be allowed to exist in that country? The Irish were not a cold and phlegmatic people, but like touch-wood, liable to ignition upon the application of that inflammable matter which this association was weekly disseminating amongst them. If in England, where the people were less liable to inflammation, the government felt it necessary, during a period of momentary distress, to put down the factious demagogues who excited them to mischief, it was surely not unreasonable for those who were anxious to preserve the peace of Ireland, to expect that a similar step would be taken to extinguish the peculiar spirit of discord, which, in the very centre of Dublin, was raised and upheld, for the dissemination of every species of calumny and misrepresentation, and for holding out to a heated and feverish people, as direct a provocation to resort to arms for a redress of grievances as designing men could give, with sufficient cunning for the preservation of their own personal safety. Was it nothing, that the government should suffer such a body to exist under its own eye, and to proceed upon an organized plan of calumny and defamation against all whom they deemed their opponents? To such an extent had they carried this system, that the archbishop of Dublin could hardly quit his house, without being exposed to popular insult, in consequence of the calumnies which had been circulated against him. Again: as long as the Catholic Association was permitted to sit in Dublin, the members of that House in vain renewed their request each session, for freedom of speech in parliament. He would not complain of any fair discussion out of doors of what was said in parliament; but, if any man in that House expressed sentiments opposed to the views of the Catholic Association, he was made the object of their calumny; and a man must possess more than the ordinary nerve and contempt for popular opinion than was expected in a country like this, before he could be called upon to expose himself to such a tide of calumny. It was said, that this association met for the purpose of petitioning. He believed they met for no such purpose; the Catholics of Ireland wanted no assistants to prepare their pe-

titions, almost every peasant in Ireland could draw such a petition up, as well as a statesman, and he had never heard of any of their petitions failing from inaccuracy in the recital of the grievance. But, the fact was, that this Catholic Association, though it assembled last January, and met on successive occasions since, for the dissemination of licentious harangues, had always adjourned without preparing petitions. He believed the real object was, not to petition, but by a bold and menacing tone, and by the exhibition of numbers at their backs, to coerce the legislature into any measures they chose to dictate. All these proceedings, if they did not amount to treason, were only separated from it by a very thin partition. It was a great aggravation of the complaint against this association, that their conduct tended to diminish the value of the right of petitioning. The tumultuous exercise of this right had often been made the plea, not only of casting off the excess, but of bringing the original right into jeopardy. Those who did so, were not the friends of the right in general; and the respectable part of the Catholics of Ireland had a right to call out to be relieved from their most injurious advocates. The great evil of these societies was, that they were too prone to forget the original object of their institution; moderation and good sense were kicked out of doors, and those whose talents and stations entitled them to take a lead, were overborne by factious demagogues and ignorant upstarts. They had departed from their original object, and left all decorum behind them. They had outraged the feelings of every Protestant in Ireland, and scandalized all the loyal and respectable Roman Catholics. The great body of the respectable Catholics had great cause to complain of being mixed up and confounded with men, whose only title to confidence was, that they had just talent enough to cheat the law; and with respect to the great question of Catholic Emancipation, he was persuaded they cared not one pin about it, provided they could administer to their own vanity and ambition; to gratify the one and promote the other, they would not hesitate to endanger the peace of Ireland or defeat that cause, of which they pretended to be the advocates. Now, he had been asked over and over again, how it was that the attorney general for Ireland, who had some time ago wielded his thunders with

such alacrity, did not interfere, and particularly when it was said that those who produced so much agitation plumed themselves (falsely no doubt) upon the hope that they had some place of safety under his protection? They supposed that they did not come within the reach of any enactment of law: it was thought by them that they did not come within the 33rd Geo. 3rd, because they did not set themselves up as the representatives of the people: they did not come within the six acts, because they did not extend to any societies but those which were held out of doors; and because they had no corresponding secretaries. They had secretaries in all the different parishes in Ireland, but then they did not correspond; and therefore they hoped that their society did not come within the scope of the law. Upon that subject he did not feel himself competent to give an opinion; but he could not help thinking, that if the attorney-general was as desirous to come at these men as he was at the bottle-throwers at the theatre, some means would be found to do so. Sure he was, that it was at variance with all law and all principles of government, that a body of men should exist exercising the power of taxing the people distinct from that assembly which was recognized by the law of the land. The question then was, which was to be supreme, the parliament of England, or the Catholic Association? He therefore called upon the House to provide a remedy for the situation in which they now stood. In making this call, he could not be charged with inconsistency, for in the course of the present session he had used strong language on the danger to be apprehended from all parades and processions of all descriptions in Ireland. He was himself a member of the Orange Society, and was ready to bear any blame that might be cast upon him on that account. He believed that the principles of the Orange Societies were most just, praiseworthy, and constitutional. They were the same principles which set in motion the great whig families in the cause of the Revolution, and which would render their services honoured as long as the bill of rights should be preserved. What he had before said, and would now repeat, was, that when Orange or Catholic processions took place and endangered the lives of his majesty's subjects, the law should be rigorously and impartially enforced against all persons, without regard

to principles and opinions. He did not wish to deal with opinions, but only with overt acts. He trusted that he had said enough to satisfy every dispassionate man, that the Catholic Association was calculated to keep alive much exasperation in Ireland. It had originally been his intention, to have moved that the petition be referred to the committee now sitting on the subject of the disturbed districts of Ireland, but he found that he was prevented from taking that course by the forms of the House.

Mr. Plunkett said, that the hon. member had more than insinuated, that a strong feeling was entertained that he (Mr. P.) had neglected his duty; he did not at all seem to think there was any imperfection in the law, but had expressed his astonishment, that those who had proceeded against the bottle-throwers at the theatre had left untouched the Catholic Association. Now, he could assure the hon. member, that any apprehensions which might be entertained, either by the hon. member himself or his friends, could not induce him to change that course of conduct which he had uniformly endeavoured to pursue, in the discharge of his duty. In every instance in which he had exercised his official powers, as attorney-general for Ireland, he had looked straightforward to his object, without any consideration as to sect or party. Whenever he had perceived a violation of the law which the public interest required to be prosecuted, he had fearlessly come forward to undertake the prosecution. Whether a candid construction had always been put upon his motives, it was for the House to judge. All that he would say was, that the same course which he had hitherto pursued he would still continue to pursue. He would pursue no left-handed justice; but he would, so far as the laws would enable him, whenever he met with a transgression of the law, from whatever party it might proceed, immediately visit it with punishment. The hon. member had professed himself, not only a vindicator, but a member of the Orange Association. He could assure the hon. member, that if he were furnished with satisfactory evidence, he would not be found backward in trying the strength of the law against a gentleman making that profession, and he would abide the consequences of the censure of those respectable persons, who blamed him for not prosecuting the Catholic Association. Neither the hon. member nor any other

person in that House could be more convinced than he was of the necessity of closely attending to the proceedings of that body; but he did not feel called upon to make any declaration, as to whether it was within the reach of the law or not, or whether it was the intention of government to adopt any measures on the subject. He should, indeed, be unworthy the confidence of those with whom he acted, if he suffered any such declaration to be drawn from him, in consequence of what had fallen from the hon. member. He should not take the trouble to inquire why the hon. member was so anxious that he should proceed against the Catholic Association; but he was rather surprised that the hon. member had not taken the trouble to make some inquiry respecting the legality of other societies. The hon. member said, that he had a right to call upon parliament to put down the Catholic Association, because he had blamed the Orange processions. Did the hon. member, after having professed himself to be a member of the Orange society—and it was the first time that a member of that House had ventured to make such a profession, think that he had done enough when he blamed the proceedings which emanated from the society, leaving the society itself uncensured? Did the hon. member think that he had discharged his duty, because, having entered into an unlawful association, the object of which was to overstep the pale of the laws, and to overawe and control the government, he discountenanced the murders and assassinations which resulted from it? If men of high birth, talent, and character in the country, condescended to associate themselves in clubs with the lowest dregs of the community, they would find it impossible, when the hour of danger arrived, to stop the mischief which must naturally result from such a state of things. He thought it would be more judicious in the hon. member to reserve some of the advice, which he seemed anxious to bestow upon him (Mr. P.), for himself and his friends.

Mr. M. Fitzgerald said, it was matter of notoriety, that at the period of the king's visit to Ireland, whatever might be the provocation received, the Catholics had come to a resolution to bury their animosities in oblivion. In that resolution they persevered for two years; and if they had subsequently abandoned this pacific disposition, it had been with a view of opposing an assumed attitude of defence on the part of their opponents. Under

these circumstances, he trusted the House would not adopt the sentiments contained in the petition, or resort to any measures inconsistent with the spirit of impartiality.

Sir T. Lethbridge thought, that the petition deserved the minutest attention. It had been said, that the Orangemen had provoked the conduct of the Catholic Association; but the things complained of would never have occurred but for that association. Had they ever heard, on the part of the Orangemen, any of the overt acts now committing by the Catholic Association?

Mr. Hutchinson said, he had heard the remarks of the attorney-general for Ireland with infinite satisfaction, and hoped that they had met with the approbation of all his colleagues. He trusted that ministers, individually and collectively, were determined to administer impartial justice in Ireland.

Colonel Trench said, that whatever might be the intentions of the Catholic Association, the consequences of their proceedings had been most disastrous. He had looked into the proceedings of this self-constituted parliament, under the influence of its protector, O'Connell, and he found that a most insidious proposition had been issued, calling upon all parties to give their assistance in the collection of tithes in kind. Now, the construction which he put upon this proposition was, that its object was to prevent any diminution of that acrimonious feeling which existed on the subject of tithes. No man would be more happy than he should, that the Catholic clergy should have an adequate provision; but it was impossible to deny that the object of the association was, to establish Catholic supremacy. Even in that House he had heard it laid down as a principle, that the religion of a country should be regulated by the creed of the majority of the people. He firmly believed that there were men among the Irish Catholics, actuated solely by selfish views, and anxious, in order that those views might be gratified, to keep the country in constant disturbance.

Mr. Warre declared that the Catholic population were by no means indifferent to Catholic emancipation. Of the association he would say nothing, but that he wished to see the cause of emancipation in other hands, and regretted that Catholics of birth, character, and influence, did not unite to place the cause under their own guidance.

Mr. *Brownlow* expressed his astonishment that, on a question so important as the present, not one of his majesty's ministers had condescended to state whether or not he considered the association legal. All that the attorney-general had said was, that he was quite ready to use any information which he might obtain against him (Mr. B.) if he could establish that he belonged to an Orange association. He was ready to give the right hon. gentleman every information he might require respecting the Orange associations. They were composed of men of known principles, of great talents, and who had performed eminent services to their country, notwithstanding the cloud which, on every occasion, it was attempted to throw over them. But, the question before the House was, the character of the Catholic Association; and on that question not one of his majesty's ministers had thought proper to speak.

Mr. *Plunkett* threw himself on the candour and fairness of the House, if any hon. member had a right so to press an individual holding the situation of public prosecutor. The hon. gentleman himself had said, that he was not sure that the Catholic Association, although violating the spirit, was not at the same time, cheating the letter of the law. Suppose he (Mr. P.) were of the same opinion—was he to state it in that House? or was he to declare, that, although their proceedings did not bring them within the letter of the law, he would nevertheless prosecute them? Would that be wise? He had no difficulty in declaring it as his opinion, that the Catholic Association should be narrowly watched; and if he once saw his way clearly in point of law, and in point of prudence, he would not shrink from his task. He certainly thought that the intemperance and folly of the association were more calculated indefinitely to postpone the success of the Catholic cause, than all the efforts of the most bitter enemies of the cause. Still, however, he must remonstrate against being unfairly pressed on the subject. He would not say whether the proceedings of the association were legal or illegal, but would reserve to himself the full exercise of his own discretion on the subject.

Mr. Secretary *Canning* said, he came down expecting that the hon. member would follow up his motion for laying the petition on the table, by another motion, to refer it to the consideration of a com-

mittee; on which latter motion he (Mr. C.) would have been ready to give his opinion. But, the hon. member had no right, merely on presenting a petition, to call on the members of government to express their opinions on some of the most important concerns of the empire. Such a proceeding he held to be most inconvenient. If ministers addressed to the House any opinions coming within the range of their functions, those opinions were entitled to be received with respect; but, he (Mr. C.) claimed no respect for any legal opinion of his. If the hon. member asked for his legal opinion on any subject, he would reply, that it was his duty to take the opinion of his majesty's legal advisers. The fact was, that it was most difficult for government to act with sound discretion in cases where free institutions, and all that grew out of free institutions, proceeded to any excess. In all such cases, a prudent government would consider, whether more danger might not result from checking the mischief, than from allowing it to run out and expend itself. The first question which a government had to ask was, whether it had a right to interfere; the second, whether it was probable that interference would be attended with good effect. Nothing could be more injurious than impotent interference. For government, under such circumstances as he had adverted to, to come out of court defeated, was always injurious. The present was not so naked a question as the hon. gentleman appeared to consider it. It did not follow, that where any proceeding was of a nature justly to call for disapprobation, and there existed no law to put a stop to such a proceeding, that it was always wise to create a law for the purpose. A question of that nature must always be looked at with discretion, almost with timidity; lest a greater mischief should be produced than that which already existed. The degree of the existing mischief, the importance of putting an end to it, the probability of its duration, all circumstances ought to be taken into the account. Such were the circumstances which might have been inquired into, if the hon. member had moved to refer the petition to a committee above stairs. But on such a motion as the present, he held it, to be no part of his duty to state what he conceived, as to the applicability of the existing law. He had, however, no difficulty in saying, that all such irregular institutions were ge-

nerally mischievous, and, above all, to the particular cause which they professed to support. Anxious for the ultimate success of the cause in question, and most sincerely wishing well to the peace of Ireland, he deeply lamented to see so many elements of irritation. He trusted that they would expire. But he would not be tempted, under the present circumstances, to say whether government thought the existing law sufficient for their suppression, or were prepared to propose any new measure for that purpose.

Mr. Secretary *Peel* said, he had been firmly persuaded, after the notice which his hon. friend had given, that he would have moved to refer the petition to a committee above stairs; and until that motion, he thought it would be premature to state his opinions on the subject. It was not until his hon. friend's second speech, that he was aware that his hon. friend had abandoned his intended motion. As to the legality of the Catholic Association, that was a point on which he would then abstain from saying any thing.

Mr. *M. Fitzgerald* defended the character of the members of the Catholic Association. Than Mr. O'Connell a more able, zealous, and effective advocate never lived. He was a gentleman of large property, and therefore by no means interested in promoting the agitation of the public mind in Ireland. The learned individual in question was most enthusiastic in his character; perhaps somewhat indiscreet; but it was an indiscretion that was surely not censurable.

Colonel *Trench* regretted having mentioned the name of Mr. O'Connell, but he did not retract one syllable of the observations which he had made on the character of the Catholic Association. If the Catholics were not so much under influence, and so capable of being worked up to the commission of the most atrocious crimes, he should not be averse to what was called their emancipation. But, when he saw that a set of artful, cunning unprincipled demagogues endeavoured by every species of craft and fraud, to inflame the Catholics of Ireland, and excite in their minds a hatred of the Protestants and of English connexion, he could not concur in any such proposition.

Mr. *Brownlow* said, that he would withdraw his motion to refer the petition to a committee to-night, and give notice of the same motion for to-morrow.

Ordered to be printed.

ROMAN CATHOLIC CLAIMS—PETITION OF CATHOLICS OF IRELAND.]

Mr. *Brougham* said, he rose to present a petition from a great number of individuals of the Roman Catholic persuasion in Ireland. That body formed a large class of his majesty's subjects in Ireland, a class much to be respected, not only for its great and still increasing numbers, but on other accounts; and on no account more than for that unshaken confidence which they had always reposed in parliament, notwithstanding it had so frequently defeated their hopes, and withered their expectations. As he differed from the petitioners in some of the points of the petition, he should use no other language but the very terms of the petition itself. The petitioners began by expressing their gratitude for a disposition which they thought prevailed in parliament to redress their wrongs. They next expressed their regret on a subject on which he certainly did not agree with them. They expressed their regret that the act of Union between the two countries had ever been adopted. At the same time they complained, and in that complaint he concurred, that none of the promises which had been held out to them at the time of the Union had been fulfilled. They stated, that the abuses of the local jurisdictions had not been suppressed—that the oppressive and injurious power of the corporate bodies had not been diminished—nor had the Catholic population, forming seven-eighths of the inhabitants, been restored to their just and lawful rights; but that on the contrary, the consequence of the Union had been, to withdraw from them the protection arising from their landlords residing in the country, and to leave them to the abuse of power—the extortion and oppression of agents. He wished it was in his power to negative that part of the petition, but he feared that it was beyond contradiction. They were also right in stating, that the Union had materially aggravated these evils. They also complained of the present system of tithes. They complained of its injustice, and not of the principle on which tithes were levied; of the right claimed by a small body of men to have immense sums of money paid to them by the body of the people, in order to support a hierarchy which insulted and oppressed them. All legal measures of resistance, they said, seemed to be forbidden, and they therefore called on the House to give its most serious attention to the

outrages now committing in various parts of Ireland; and they prayed the House to institute an inquiry into the cause of those outrages. They complained of the insults to which an attachment to their ancient faith had subjected them; of the unbecoming and unchristian language in which that faith had been spoken of. They complained that their deceased friends were refused the rites of burial according to the ceremonies of their religion, and that, in the city of Limerick, the military had been called in to enforce the prohibition of rites which had scarcely ever been denied by the most barbarous nations. They complained of the injustice frequently practised towards persons of their persuasion in the inferior courts, and they gave as an example the province of Ulster, where they said justice was almost altogether lost in cases between persons of different persuasions, and they referred to the conduct of the son of a right rev. prelate. They also complained, that they could not find redress for the outrages committed by the Orangemen in the North, and that in the South the existence of the Insurrection act had only proved that the gross want of attention to the feelings of the people, and of the absence of those means which might have been used to conciliate them, had alone rendered that measure expedient. In support of this, they referred to Mr. Serjeant Lloyd and to Mr. Justice Torrens, who were employed in the administration of the Insurrection act in that part of Ireland. They said, that in cases between Protestants and Catholics, or between the government and an individual, there was no equal justice meted out to the parties. While this system continued to be triumphant in Ireland, while it reigned all over the country, while it existed in the church and state, and while it governed in the law, while it continued increasing on every side, while the heir presumptive to the throne (although the petitioners believed the suggestion to be false) was pointed out as the patron and protector of the Orange faction, and of the system of political exclusion, and while no attempt was made by the parliament to check the influence of that system, Ireland could not be expected to emerge from the gloom that surrounded her, or to feel for this country any kindly sentiments; but must in case of a war, be a source of danger to this kingdom. On these grounds the petitioners prayed the House to take into

its serious consideration the reform of the church, the exclusion of Orangemen or others belonging to secret or unlawful societies, from serving on juries, and for the speedy and unqualified emancipation of the Irish Catholics. Such was the petition which he had undertaken to lay before the House, and, in doing so he had stated to the petitioners his qualified approbation of some parts, his entire concurrence with others, and his total dissent from the remainder of the petition. While he told the petitioners here as he had told them elsewhere, that he could not support the whole prayer of their petition, it was but fair that he should add, that he was deeply impressed with the improper treatment which they had experienced, and with the probable consequence that would result from inattention to their request.

Ordered to lie on the table.

GAME LAWS AMENDMENT BILL.]

Mr. Stuart Wortley moved the order of the day for the going into a committee, to take into further consideration the report on this bill. Upon which, sir J. Shelley moved as an amendment, "that the bill be taken into further consideration on this day three months."

Mr. A. Smith seconded the amendment. He thought the bill so completely absurd, that he knew of no better method than of getting rid of it altogether.

Mr. Lockhart complained, that the hon. mover, in the recital of this bill, had overlooked at least twenty statutes, the objects or titles of which should have been recapitulated. Instead of doing as had been done with the bankrupt acts, whenever the bankrupt laws had been altered or amended, namely, reciting and consolidating them, and then stating the new enactments, the hon. member's bill specifically repealed, of all the numerous game laws now existing, so much only as regarded the matters of possession and qualification. Now, as it was no where stated in the bill what other parts of those preceding laws were to be still operative, or what repealed, he could not conceive an act, if the bill should pass into one, the extent and application of which could be more embarrassing to the people at large, to the magistrates, or the judges. The hon. member remarked on the danger of the clause permitting the sale of game, and the encouragement a measure would extend to poachers, and expressed his intention to support the amendment.

Mr. Cartwright said, that although he was friendly to the principle of the bill, he should strongly recommend to his hon. friend, the expediency of withdrawing it for the present. He was quite convinced, from the opposition it had encountered, that it would be impossible to carry it in the course of the session.

Mr. W. Peel opposed the bill, which he said could be advantageous to no other persons than the poachers and poulterers.

Mr. H. Twiss also opposed the bill. There could be no doubt, he observed, that the restrictions which it added to those, already too numerous, of the present system of game laws, would considerably increase crime among the lower orders of the people. The provision which it was proposed to make against this consequence of the measure, by legalizing the sale of game would, he was satisfied, be found inefficient. Besides, if that provision were more operative than he believed it would be, its tendency would be to degrade the country gentlemen into hucksters, and he was therefore sure that it would never be sanctioned by them in practice. There were, however, other and more serious objections to the measure, which deserved the particular attention of parliament. It was admitted to be a subject of regret that the existing game laws were too severe, and their enforcement often evaded on that account. But, what did the bill before the House propose to do? Not to abate that severity, but to increase it to an unreasonable degree. At present, persons charged with offences under the game laws were held only to have committed a misdemeanour: but, by the proposed bill, their offence was made at once a felony. Now, bail might be tendered by the party accused, and no magistrate, however zealous for the preservation of game, could or would refuse to accept it. By the bill before the House, however, the liberty of the accused was at once forfeited, and he had no means of regaining it before trial, except by a writ of habeas corpus, the expense of which would make it, to the great majority of persons taken up under the bill, a remedy rather in theory than in practice. By this alteration in the character of the offence from a simple misdemeanour to a felony, the culprit would lose the privilege—to him an invaluable one—of addressing the jury; and thus the general operation of the bill would be, to increase the offence, and the opportunities of com-

mitting it, while the means of defence would be curtailed and diminished. The game laws, as they stood, were too often the cause of ill-will between the landowners, and the people in their several neighbourhoods. The proposed bill, so far from removing this, would add to the prejudices which were created by the circumstance of those who were most interested in the preservation of game having to administer the laws respecting it; and, by legalizing the sale of game, would fix the imputation of still more palpably interested motives in the country gentlemen.

Mr. Secretary Peel said, that the main question was, whether it was expedient or not, to attempt to alter the present system. He did not know whether his hon. friend, the member for Yorkshire, was disposed to accede to the suggestion which had been made to him of withdrawing his bill for the present session, but after the objections which he had heard, he was induced, if his hon. friend did not adopt that suggestion, to vote for its re-committal. The bill had at least the merit of providing for two great evils of the present system; the one by permitting the sale of game, without which he was convinced no permanent improvement could be hoped for; and the other, by altering the absurdity with respect to the qualification. As the law stood at present, a gentleman of large property, with six sons, could not qualify more than one of them, and yet he was called upon to enforce the very laws which his own family set the first example of violating. This was an anomaly, the existence of which ought not to be permitted. Objections had been raised to the severity of the measure; but, was it forgotten, that the present law was also severe, and that it was the cause of crime, the quantity of which the bill proposed to diminish? He, however, thought it would be better that the measure should for the present be postponed, and under this impression he repeated his intention to vote for its being re-committed, if his hon. friend should determine to press it.

Lord Milton thought the House had nothing to do with the effect which the bill might have, either as to the increase or the diminution of game. It was not the duty of parliament to provide for the amusements of country gentlemen, but to legislate for the preservation of the morals of the country. The main effect of the

bill before the House would be, to multiply the number of persons interested in the preservation of game, and therefore to multiply the number of prosecutions for offences committed against it. He deprecated the severity of the punishments which it provided for those offences, and recommended the repeal of the prohibitions against the sale of game.

The House then divided: for the original motion, 103: for the amendment, 120; Majority, 17. The bill was consequently lost. Mr. S. Wortley gave notice that he would, early in the next session, move for the re-introduction of the bill.

HOUSE OF LORDS.

Tuesday, June 1.

SCOTCH ENTAILS BILL.] The Earl of *Aberdeen* moved the third reading of the bill for regulating Scotch Entails. The object of the bill was, he said, to give relief to those persons who were in the possession of entailed estates, and which, according to the Scotch law, were so rigorously entailed, that the proprietors had no possible means of providing for their wives and children. The noble earl entered into a history of the Scotch law, pointing out, that when the law was made as it now stood, the rent of land in Scotland did not exceed 300,000*l.* a year, while at present it amounted, as far as could be known, to between five and six millions. Half the country was locked up in the fetters of entail. Up to a late period, some relief had been found by granting long leases at the original rents, and taking sums of money, and that this practice had been held by the first lawyers of Scotland, to be sound, up to a very late period, when a celebrated decision of their lordships, the wisdom and justice of which he was far from questioning, had determined differently, and the possessors of entailed estates were now more unable than ever to provide for their wives and younger children. The bill which he had brought in to remedy this evil was approved of by several celebrated lawyers whom he had consulted, and was such a one as, he thought, should meet their lordships' support.

The *Lord Chancellor* declared that some measure of this nature was both just and necessary. When he had recommended the decision which had altered the Scotch law, it was from no wish to make law, but because it was the best judicial opinion he

could form, after consulting the judges both on the bench and off the bench, and every other authority worthy of attention. That decision, he understood, had since been declared, even by those who were most adverse to it at first, to have been according to the best principles of the law of Scotland. He warmly recommended the measure to their lordships' support.

The bill was then read a third time.

HOUSE OF COMMONS.

Tuesday, June 1.

EQUITABLE LOAN COMPANY BILL.]

Sir W. Congreve moved the third reading of this bill.

Mr. S. *Whitbread* said, he looked with great jealousy at the combination of gentlemen to destroy the trade of individuals. The number of pawnbrokers in the metropolis did not exceed 300, and the only difference was, that the pawnbroker lent 2*s.* 6*d.* for the interest of one half-penny per month, while the company now to be established lent 2*s.* 7*d.* for the same interest: so that the advantage in this respect to the public would be very small, while they would be deprived of the useful summary remedy they at present enjoyed against pawnbrokers. He therefore moved, that the bill be read a third time on this day three months.

Mr. *Hobhouse* supported the amendment for the sake of all tradesmen; for, if this bill were carried, there was no reason why joint-stock companies of butchers or bakers should not be established. The real object of the promoters of the bill was private profit, and by that profit the public would be losers.

Sir W. *Congreve* said, that the pawnbrokers themselves were persons privileged by act of parliament; and, with regard to profit, the company would be satisfied with less than what was made by the pawnbrokers.

Mr. *Mouck* contended, that the bill, though christian in profession, was jewish in principle, as the object of the speculators was, to monopolize the profits which the jews at present enjoyed.

After a short conversation, the House divided: for the third reading 40—Against it 32. On the question "that the Bill do pass," a second division occurred. The numbers were—For the passing 44—Against it 25. The bill was passed accordingly.

MOTION RESPECTING THE TRIAL AND CONDEMNATION OF MISSIONARY SMITH AT DEMERARA.*] After numerous petitions had been presented to the House, for an inquiry into the proceedings on the Trial of the late John Smith, in the island of Demerara,

Mr. Brougham rose, and addressed the House to the following effect:—

Mr. Speaker; I confess that, in bringing before this House the question on which I now rise to address you, I feel not a little disheartened by the very intense interest excited in the country, and the contrast presented to those feelings by the coldness which prevails within these walls. I cannot conceal from myself, that, even in quarters where one would least have expected it, a considerable degree of disinclination exists to enter into the discussion, or candidly to examine the details of the subject. Many persons who have, upon all other occasions, been remarkable for their manly hostility to acts of official oppression, who have been alive to every violation of the rights of the subject, and who have uniformly and most honourably viewed with peculiar jealousy every infraction of the law, strange to say, on the question of Mr. Smith's treatment, evince a backwardness to discuss, or even to listen to it. Nay, they would fain fasten upon any excuse to get rid of the subject. "What signifies inquiring," say they, "into a transaction which has occurred in a different portion of the world?" As if distance or climate made any difference in an outrage upon law or justice. One would have rather expected that the very idea of that distance; the circumstance of the event having taken place beyond the immediate scope of our laws, and out of the view of the people of this country; in possessions, where none of the inhabitants have representatives in this House, and the bulk of them have no representatives at all, one might have thought, I say, that, in place of forming a ground of objection, their remote and unprotected situation would have strengthened the claims of the oppressed to the interposition of the British legislature. Then, says another, too indolent to inquire, but prompt enough to decide, "It is true there have been a great number of petitions presented on the sub-

ject; but then every body knows how those petitions are procured, by what descriptions of persons they are signed, and what are the motives which we know influence a few misguided, enthusiastic men, in preparing them, and the great crowd in signing them. And, after all, it is merely about a poor missionary!" It is the first time that I have to learn that the weakness of the sufferer; his unprotected situation; his being left single and alone to contend against power exercised with violence—constitutes a reason for this House shutting its ears against all complaints of those proceedings, and refusing to investigate the treatment of the injured individual.

But, it is not enough that he was a Missionary, to make the subject still more unpalatable, for I will come to the point, and at once use the hateful word, he must needs also be a Methodist. I hasten to this objection, with a view at once to dispose of it. Suppose Mr. Smith had been a methodist; what then? Does his connexion with that class of religious people, because, on some points essential in their consciences, they are separated from the national Church, alter or lessen his claims to the protection of the law? Are British subjects to be treated more or less favourably in courts of law; are they to have a larger or a smaller share in the security of life and limb, in the justice dealt out by the government, according to the religious opinions which they may happen to hold? Had he belonged to the society of the methodists, and been employed by the members of that communion, I should have thought no worse of him or his mission, and felt nothing the less strongly for his wrongs; but, it does so happen, that neither the one nor the other of these assumptions is true: neither the Missionary Society, nor their servants, are of the methodist persuasion. The society is composed indifferently of churchmen and dissenters. Mr. Smith is, or, as I unhappily must now say, was, a minister, a faithful and pious minister of the Independents, that body, much to be respected indeed for their numbers, but far more to be held in lasting veneration for the unshaken fortitude with which, in all times, they have maintained their attachment to civil and religious liberty, and, holding fast by their own principles, have carried to its uttermost pitch the great doctrine of absolute toleration; men to whose ancestors this country will ever acknow-

* From the edition published by Hatchard and Son, with the sanction of the London Missionary Society.

ledge a boundless debt of gratitude, as long as freedom is prized among us: for they, I fearlessly proclaim it—*they*, with whatever ridicule some may visit their excesses, or with whatever blame others, *they*, with the zeal of martyrs, the purity of the early Christians, the skill and the courage of the most renowned warriors, gloriously suffered and fought and conquered for England the free constitution which she now enjoys. True to the generous principles in church and state which won those immortal triumphs, their descendants still are seen clothed with the same amiable peculiarity of standing forward among all religious denominations, pre-eminent in toleration: so that although, in the progress of knowledge, other classes of dissenters may be approaching fast to overtake them, *they* still are foremost in this proud distinction. All, then, I ask of those who feel indisposed to this discussion is, that they will not allow their prepossessions, or I would rather say their indolence (for, disguise it as they will, indolence is at the bottom of this indisposition), to prevent them from entering calmly and fully into the discussion of this proceeding. It is impossible that they can overlook the unexampled solicitude which the question has excited in every class of the people out of doors. That consideration should naturally induce the House of Commons to lend its ear to the inquiry, though fully sufficient, on its own merits, to command undivided attention.

It will be my duty to examine the charge preferred against the late Mr. Smith, and the whole of the proceedings founded on that charge. And in so doing, I have no hesitation in saying, that from the beginning of those proceedings to their fatal termination, there has taken place more of illegality, more of the violation of justice—violation of justice, in substance as well as form—than, in the whole history of modern times, I venture to assert, has ever before been witnessed in any inquiry that could be called a judicial proceeding. I have tried the experiment with every person with whom I have had an opportunity of conversing on the subject of these proceedings at Demerara, as well members of the profession to which I have the honour of belonging, as others acquainted with the state of affairs in our colonies, and I have never heard one who did not declare to me, that the more the question was looked into, the

greater attention was given to its details, the more fully the whole mass was sifted—the more complete was his assent to the conviction, that there was never exhibited a greater breach, a more daring violation, of justice, or a more flagrant contempt of all those forms by which law and justice were wont to be administered, and under which the perpetrators of ordinary acts of judicial oppression are wont to hide the nakedness of their injustice [hear, hear!].

It is now necessary for me to call the attention of the House to that unhappy state of things which took place at Demerara during the course of the past year. Certain instructions had been forwarded from this country to those slave colonies which are more under the control of the government than the other West-India Islands. Whether the instructions were the best calculated to fulfil the intentions of those who issued them; whether the directions had not in some points gone too far, at least in prematurely introducing the object that they had most properly in view—and whether, in other points, they did not stop short of their purpose; whether, in a country where the symbol of authority was the constantly manifested lash of the driver, it was expedient at once to withdraw that dreadful title of ownership, I shall not now stop to inquire. Suffice it to say, that those instructions arrived at Demerara on the 7th of last July, and great alarm and feverish anxiety appear to have been excited by them amongst the white part of the population. That the existence of this alarm so generally felt by the proprietors, and the arrival of some new and beneficial regulations, were understood by the domestic slaves, there cannot be a doubt. By them the intelligence was speedily communicated to the field negroes. All this time there was no official communication of the instructions from the colonial government. A meeting had been convened of the Court of Policy, but nothing had been made public in consequence of its assembling. A second meeting was held, and it was understood that a difference of opinion prevailed, after a discussion, which, though not fierce, was still animated. The only means which the circumstances of the case naturally suggested do not appear to have been adopted by those at the head of affairs in Demerara. I do not impute to them any intentional disregard of duty. It is very possible that the true remedy for the

mischiefs may have escaped them in the moment of excited apprehension—in the prevalence of general alarm, rendered more intense by the inquisitive anxiety of the Slave population—an alarm and anxiety continued by the state of ignorance in which they were kept as to the real purport of the instructions from England. But most certainly, whatever was the cause, the authorities at Demerara overlooked that course of proceeding best calculated to allay at least the inquisitive anxiety of the slaves; namely, promulgating in the colony, what it really was that had been directed in the instructions of the king's ministers, even if they were not disposed at once to declare whether they would or would not carry those instructions into execution. Unhappily, they did not take that plain course. Week after week was suffered to elapse; and, up to the period when the lamentable occurrence took place, which led to these proceedings, no authentic, or, at least, authoritative communication, either of what had arrived from England, or of what was the intention of the authorities at Demerara, was made to the slaves. This state of suspense occupied an interval of nearly seven weeks. The revolt broke out on the 18th of August. During the whole of that interval the agitation in the colony was considerable: it was of a two-fold character. There was on one side, the alarm of the planters, as to the effect of the new instructions received from his majesty's government; and on the other, the naturally increasing anxiety of the negro as to the precise purport and extent of those instructions. There existed the general impression, that some extension of grace and bounty had been made to them. In the ignorance which was so studiously maintained as to the nature of it, their hopes were proportionably excited—they knew that something had been done, and they were inquisitive to know what it was. The general conversation amongst them was, "has not our freedom come out? Is not the king of Great Britain our friend?" Various speculations occupied them: reports of particular circumstances agitated them. Each believed in the detail as his fancy or credulity led him; but to one point all their hopes and their belief pointed;—"Freedom! freedom!" was the sound unceasingly heard, and which continually raised the vision on which their fancy loved to repose.

And now, allow me to take the opportunity of re-asserting the opinion which, with respect to that most important subject of emancipation, I have uniformly maintained, not only since I have had the honour of a seat in this House, but long before, with no other difference, save, perhaps, in the manner of the expression, correcting that manner by the experience and knowledge which a more extended intercourse with human life must naturally have bestowed. My opinion ever has been, that it is alike necessary to the security of our white brethren, and just, and even merciful, to the negroes—those victims of a long-continued system of cruelty, impolicy, and injustice—to maintain firmly the legal authorities, and, with that view, to avoid, in our relations with the slaves, a wavering uncertain policy, keeping them in a condition of doubt and solicitude, calculated to work their own discomfort, and the disquiet of their masters. Justice to the Whites, mercy to the Blacks, command us to protect the first from the effect of such alarms, and the last from the expectation, that, in the hapless condition in which they are placed, their emancipation can be obtained—meaning thereby their sudden unprepared emancipation, effected by violent measures or with an unjustifiable haste, and without previous instruction. The realization of such a hope, though carrying the name of a boon, would inflict the severest misery on these beings, whose condition is already too wretched to require, or indeed to bear, any increase of calamity. It is for the sake of the Blacks themselves, as subsidiary to their own improvement, that the present state of things must for a time be maintained. It is because to them, the bulk of our fellow subjects in the colonies, liberty, if suddenly given, and, still more, if violently obtained by men yet unprepared to receive it, would be a curse, and not a blessing; that emancipation must be the work of time, and, above all, must not be wrested forcibly from their masters [hear, hear!].

Reverting to the occurrences at Demerara, it is undeniable that a great and unnecessary delay took place. This inevitably, therefore, gave rise to those fatal proceedings, which all of us, however, we may differ as to the causes from which they originated, must unfeignedly deplore. It appears that Mr. Smith had officiated in the colony of Demerara for seven years. He had maintained, during his

whole life, a character of the most unimpeachable moral purity, which had won not alone the love and veneration of his own immediate flock, but had procured him the respect and consideration of almost all who resided in his neighbourhood. Indeed, there was not a duty of his ministry that he had not discharged with fidelity and zeal. That this was his character is evident even from the papers laid upon the table of that House. These documents, however, disclose but a part of the truth on that point. Before I sit down I shall have occasion to advert to other sources, which shew that the character of Mr. Smith was such as I have described it; and that those who were best qualified to form an opinion, had borne the highest testimony to his virtuous and meritorious labours. Yet this Christian minister, thus usefully employed was dragged from his house, three days after the revolt began, and when it had been substantially quelled, with an indecent haste that allowed not the accommodation even of those clothes which, in all climates, are necessary to human comfort, but which, in a tropical climate, were absolutely essential to health. He was dragged, too, from his home and his family, at a time when his life was attacked by a disease which, in all probability, would in any circumstances, have ended in his dissolution; but which the treatment he then received powerfully assisted in its fatal progress. He was first imprisoned, in that sultry climate, in an unwholesome fetid room, exposed to the heat of the sun. This situation was afterwards changed, and he was conveyed to a place only suited to the purposes of torture, a kind of damp dungeon, where the floor was over stagnant water, visible through the wide crevices of the boards. When Mr. Smith was about to be seized, he was first approached with the hollow demand of the officer who apprehended him, commanding him to join the militia of the district. To this he pleaded his inability to serve in that capacity, as well as an exemption founded on the rights of his clerical character. Under the pretext of this refusal, his person was arrested, and his papers were demanded, and taken possession of. Amongst them was his private journal; a part of which was written with the intention of being communicated to his employers alone, while the remaining part was intended for no human eye but his own. In this state of

imprisonment he was detained, although the revolt was then entirely quelled. That it was so quelled, is ascertained from the despatches of General Murray to Earl Bathurst, dated the 26th of August. At least the despatch of that date admits, that the public tranquillity was nearly restored; and at all events, by subsequent despatches, of the date of the 30th and 31st, it appears that no further disturbance had taken place; nor was there from that time any insurrectionary movement whatever. At that period the colony was in the enjoyment of its accustomed tranquillity, barring always those chances of relapse, which in such a state of public feeling, and in such a structure of society, must be supposed always to exist, and to make the recurrence of irritation and tumult more or less probable. Martial law, it will be recollected, was proclaimed on the 19th of August, and was continued to the 15th January following—five calendar months, although there is the most unquestionable proof, that the revolt had subsided, and indeed that all appearance of it had vanished.

In a prison such as has been described, Mr. Smith remained until the 14th day of October. Then, when every pretence of real and immediate danger was over; when every thing like apprehension, save from the state of colonial society, was removed; it was thought fit to bring to trial, by a military court-martial, this minister of the gospel! I shall now view the outside of that court-martial; it is fit that we look at its external appearance, examine the foundations on which it rests, and the structures connected with it, before we enter and survey the things perpetrated within its walls—I know that the general answer to all which has been hitherto alleged on this subject is, that martial law had been proclaimed in Demerara. But, Sir, I do not profess to understand, as a lawyer, martial law of such a description; it is entirely unknown to the law of England—I do not mean to say in the bad times of our history, but in that more recent period which is called constitutional. It is very true, that formerly the Crown sometimes issued proclamations, by virtue of which civil offences were tried before military tribunals. The most remarkable instance of that description, and the nearest precedent to the case under our consideration, was the well-known proclamation of the august, pious, and humane Philip and Mary, stig-

matizing as rebellion, and as an act which should subject the offender to be tried by a court-martial, the having heretical, that is to say, Protestant, books in one's possession, and not giving them up without previously reading them. Similar proclamations, although not so extravagant in their character, were issued by Elizabeth, by James the first, and (of a less violent nature) by Charles the first; until at length the evil became so unbearable that there arose from it the celebrated Petition of Right, one of the best legacies left to his country by that illustrious lawyer, lord Coke, to whom every man who loves the constitution owes a debt of gratitude which unceasing veneration for his memory can never pay. The petition declares, that all such proceedings shall henceforward be put down: it declares that "no man shall be fore-judged of life or limb against the form of the Great Charter;" that "no man ought to be adjudged to death but by the laws established in this realm, either by the custom of the realm, or by acts of parliament;" and that "the commissions for proceeding by martial law should be revoked and annulled, lest, by colour of them, any of his Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land." Since that time, no such thing as martial law has been recognized in this country; and courts founded on proclamations of martial law have been wholly unknown. And here I beg to observe, that the particular grievances at which the Petition of Right was levelled, were only the trials under martial law of military persons, or of individuals accompanying, or in some manner connected with, military persons. On the abolition of martial law, what was substituted? In those days, a standing army in time of peace, was considered a solecism in the constitution. Accordingly, the whole course of our legislation proceeded on the principle, that no such establishment was recognised. Afterwards came the annual Mutiny acts, and Courts Martial, which were held only under those acts. These courts were restricted to the trial of soldiers for military offences; and the extent of their powers was pointed out and limited by law.

But I will not go further into the consideration of this delicate constitutional question; for the present case does not rest on any niceties—it depends not on any fine-spun decisions with respect to the

law. If it should be said, that, in the conquered colonies, the law of the foreign state may be allowed to prevail over that of England; I reply, that the Crown has no right to conquer a colony, and then import into its constitution all manner of strange and monstrous usages. If the contrary were admitted, the Crown would only have to resort first to one coast of Africa, and then to another, and afterwards to the shores of the Pacific, and import the various customs of the barbarous people whom it might subdue; torture from one; the scalping knife and tomahawk from another; from a third, the regal prerogative of paving the palace court with the skulls of the subject. All the prodigious and unutterable practices of the most savage nations might thus be naturalized by an act of the Crown, without the concurrence of parliament, and to the detriment of all British subjects born, or resident, or settling for a season, in those new dominions. Nothing, however, is more clear, than that no practice inconsistent with the fundamental principles of the constitution—such, for instance, as the recourse to torture for the purpose of obtaining evidence, can ever be imported into a colony by any act of conquest. But every consideration of this nature is unnecessary on the present occasion; for this court was an English court-martial. The title by which it claimed to sit was the Mutiny act, and the law of England. The members of the court are estopped from pleading the Dutch law, as that on which their proceedings were founded. They are estopped, because they relied for their right to sit on our own Mutiny act, which is time after time referred to; and they cannot now argue that they proceeded on any other basis.

Let us now look for a few moments at the operations which preceded the trial of this poor missionary. He was, as I have just stated, tried by a court-martial; and we are told by General Murray, in his despatch of October 21, that it was all the better for him—for that, if he had been tried in any other manner, he might have found a more prejudiced tribunal. Now, Sir, I have no hesitation in saying, that if I had been the party accused, or of counsel for the party accused, I would at once have preferred a civil jurisdiction to the very anomalous proceeding that took place. First of all, I should have gained delay which, in most cases, is a great advantage to the accused. In

this particular case, it might have proved of inestimable benefit to him, as the fever of party rage and personal hostility would have been suffered gradually to subside. By proceeding under the civil jurisdiction, the addition of the Roman law to that of the common law necessarily occasioned great prolixity in the trial. Months must have elapsed during those proceedings, and at every step the accused would have had a chance of escape. All this would have been of incalculable value; and all this was lost to the accused, by his being brought before a summary military tribunal. The evidence of slaves was admitted by the court without doubt or contest;—a point, however, on which I do not much rely; for I understand that in Demerara the usage in this respect differs from the usage of some other colonies, and that the evidence of Negroes against Whites is considered admissible, although it is not frequently resorted to. Still, however, there is this difference as respects such evidence between a civil and a military court: in the latter, it is received at once, without hesitation; whereas, if the matter is brought before a civil jurisdiction, a preliminary proceeding must take place respecting the admissibility of each witness. His evidence is compared with the evidence of other witnesses, or parts of his evidence are compared with other parts, and on the occurrence of any considerable discrepancy the evidence of that witness is finally refused. There are also previous proceedings, had the subject been brought before a civil jurisdiction, which might have had this effect: a discussion takes place before the chief justice and two assistants, on the admissibility of witnesses, who are not admitted as evidence in the cause until after a preliminary examination; and I understand, that the circumstance of a witness being a slave, whose evidence is to be adduced against a white man, in cases of doubt, always weighs in the balance against his admissibility. But I pass all this over. I rest the case only on that which is clear, undeniable, unquestioned. By the course of the civil law, two witnesses are indispensably required to substantiate any charge against the accused. Let any one read the evidence on this trial, and say, how greatly the observance of such a rule would have improved the condition of the prisoner. Last of all, if the accused had been tried at common law, he would have

had the advantage of a learned person presiding over the court, as the chief justice, who must have been individually and professionally responsible for his conduct; who would have acted in the face of the whole bar of the colony; who would also have acted in the face of that renowned English bar to which he once belonged, and to which he might return, and whose judgment, therefore, even when removed from them by the breadth of the Atlantic, he would not have disregarded, while he retained the feelings of a man, and the character of an English advocate. He would have acted in the face of the whole world as an individual, doubtless not without assistance, but with the assistance of laymen only, who would not have divided the responsibility with him. He would, in every essential particular, have stood forth single and supreme, in the eyes of the rest of mankind, as the judge who tried the prisoner. In such circumstances, he must have conducted himself with an entire regard to his professional character, to his responsibility as a judge, and his credit as a lawyer.

Now, Sir, let us look at the constitution of the court before which Mr. Smith was actually tried. Upon a reference to the individuals of whom it was composed, I find, what certainly appears most strange, the president of the civil court taking upon himself the functions of a member of the court-martial, under the name of an officer of the militia staff. It appears to be the fact, that this learned individual was invested with the rank and degree of lieutenant-colonel of the militia, a few days before the assembling of the court-martial, in order that he, a lawyer and a civil judge, might sit as a military judge and a soldier! Sir, he must have done this by compulsion. Martial law was established in the colony by the power to which he owed obedience. He could not resist the mandate of the governor. He was bound, in compliance with that mandate, to hide his civic garb, his forensic robe, under martial armour. As the aide-de-camp of the governor, he was compelled to act a mixed character—part lawyer, part soldier. He was the only lawyer in a court where a majority of military overwhelmed him. Having no responsibility, he abandoned—or was compelled to sit helpless and unresisting, and see others abandoning—principles and forms which he could not, which he would not, which he durst not, have

abandoned, had he been sitting alone in his own court, in his ermined robe, administering the civil law. After this strange fact respecting the members of the court, it is not surprising that one as strange should appear with regard to the subordinate officers. The judge-advocate of a court-martial, although certainly sometimes standing in the situation of a prosecutor, nevertheless, in all well-regulated courts-martial, never forgets that he also stands between the prisoner and the bench. He is rather, indeed, in the character of an assessor to the court. On this point, I might appeal to the highest authority present. By you, Sir, these important functions were long, and correctly, and constitutionally performed: and in a manner equally beneficial to the army and to the country. But I may appeal to another authority, from which no one will be inclined to dissent. A reverend judge, Mr. Justice Bathurst, in the middle of the last century, laid it down as clear and indisputable, that the office of a judge-advocate was, to lay the proof on both sides before the court; and that whenever the evidence was at all doubtful, it was his duty to incline towards the prisoner. No such disposition, however, appears in this judge-advocate: I should rather say in these judge-advocates; for, one not being considered enough, two deputies were appointed to assist him. These individuals exercised all their address, their caution, and their subtlety, against the unfortunate prisoner, with a degree of zeal bordering upon acrimony. Indeed, the vehemence of the prosecution was unexampled. I never met with any thing equal to it; and I am persuaded, that if any such warmth had been exhibited before a civil judge by a prosecuting counsel, he would have frowned it down with sudden indignation. In the first instance, the judge-advocate concealed the precise nature of the accusation. The charges were so artfully drawn up, as to give no notice to the prisoner of the specific accusation against him. They were drawn up shortly, vaguely, and obscurely; but short, vague, and obscure as they were, they were far from being as short, as vague, and as obscure as the opening speech of the prosecutor. That speech occupies about half a page in the minutes of the trial which yet give it verbatim. But, scarcely had the prisoner closed his defence, than a speech was pronounced, on the part of

the prosecution, which eighteen pages of the minutes scarcely contain. In this reply the utmost subtlety is exhibited: Topic is urged after topic with the greatest art and contrivance. Every thing is twisted for the purpose of obtaining conviction; and, which is the most monstrous thing of all, when the prisoner can no longer reply, new facts are detailed, new dates specified, and new persons introduced, which were never mentioned, or even hinted at, on any one of the twenty-seven preceding days of the trial. Again, Sir, I say, that had I been the accused person, or his counsel, I would rather a thousand-fold have been tried by the ordinary course of the civil law, than by such a court.

To return, however, to its composition. I rejoice to observe, that the president of the supreme civil judicature, although he was so unwise as to allow his name to be placed on the list of the members, or so unfortunate as to be compelled to do so, refused to preside over the deliberations of this court. Although he was the person of the highest rank next to the governor, and although in a judicial inquiry he must naturally have been more skilful and experienced than any man in the colony, nevertheless there he is in the list among the ordinary members of the court; and as he must have been appointed to preside, but for his own repugnance to the office, I am entitled to conclude that he refused it with a firmness not to be overcome. Against the other members I have nothing whatever to say. The president of the court, however, was lieutenant-colonel Goodman. Now, that gallant officer, than whom I believe no man bears a higher character, unfortunately, beside bearing his Majesty's commission, holds an office, in the colony of Demerara, which rendered him the last man in the world who ought to have been selected as president of such a judicature. Let the House, Sir, observe, that the reason assigned by governor Murray for subjecting Mr. Smith to a trial before such a tribunal, was not only that he might have in reality a fair trial, but that he might not even appear to be the victim of local prejudice, which it seems would have been surmised, had his case been submitted to a jury, or a court of planters. How is it, then, that with this feeling the governor could name lieutenant-colonel Goodman to be president of the court? For that gallant officer does, in point of

fact, happen to hold the situation of *Vendue-master* in the colony of *Demerara*, without profit to whom not a single slave can be sold by any sale carried on under the authority of the courts of justice. Accordingly, it did so turn out, that a few days before the breaking out of the revolt, there were advertised great sales of negroes by auction, which most naturally excited sorrow and discontent among many of the slaves. There was one sale of fifty-six of these hapless beings, who were to be torn from the place of their birth and residence, and perhaps separated for ever from their nearest and dearest connexions. I hold in my hand a colonial gazette, containing many advertisements of such sales, and to every one of them I find attached the signature "S. A. Goodman." One of the advertisements, that, I think, for the sale of fifty-six negroes, states, that among the number there are many "valuable carpenters, boat-builders, &c. well worthy the attention of the public." Another speaks of several prime single men. One party of slaves consists of a woman and her three children. Another advertisement offers a young female slave who is pregnant. Upon the whole, there appear to have been seventy or eighty slaves advertised to be sold by auction in this single gazette, in whose sale *lieut.-colonel Goodman*, from the nature of his office, had a direct interest. I do not for a moment affirm that this circumstance was likely to warp his judgment. Probably, indeed, he was not personally aware of it at the time. But I repeat, that, if this proceeding were intended to be free from all suspicion, *lieut.-colonel Goodman* was one of the last men to select as the president of the court. That, however, is nothing compared to the appointment of the chief justice of the colony as one of its members. He, the civil judge of the colony, to be forced to sit as member of a court-martial, and under the disguise of a militia officer, by way of a qualification! He to whom an appeal lay against any abuse of which that court-martial might be guilty! From whom but from him could *Mr. Smith* have obtained redress for any violation of law committed in his person? Yet, as if for the express purpose of shutting the door against the possibility of justice, he is taken by the governor and compelled to be a member of the court. That this tribunal might at once be clothed with the authority of the laws which it was about to break, and

exempted from all risk of answering to those laws for breaking them, the only magistrate who could vindicate or enforce them is identified with the court, and so outnumbered by military associates, as to be incapable of controverting, or even influencing, its decision, while his presence gives them the semblance of lawful authority, and places them beyond the reach of legal revision.

Sir, one word more, before I advert to the proceedings of the court, on the nature of its jurisdiction. Suppose I were ready to admit that, on the pressure of a great emergency, such as invasion or rebellion, when there is no time for the slow and cumbrous proceedings of the civil law, a proclamation may justifiably be issued for excluding the ordinary tribunals, and directing that offences should be tried by a military court: such a proceeding might be justified by necessity; but it could rest on that alone. Created by necessity, necessity must limit its continuance. It would be the worst of all conceivable grievances—it would be a calamity unspeakable—if the whole law and constitution of England were suspended one hour longer than the most imperious necessity demanded. And yet martial law was continued in *Demerara* for five months. In the midst of tranquillity, that offence against the constitution was perpetrated for months, which nothing but the most urgent necessity could warrant for an hour. An individual in civil life, a subject of his majesty, a clergyman, was tried at a moment of perfect peace, as if rebellion raged in the country. He was tried as if he had been a soldier. I know that the proclamation of martial law renders every man liable to be treated as a soldier. But the instant the necessity ceases, that instant the state of soldiery ought to cease, and the rights, with the relations, of civil life to be restored. Only see the consequences which might have followed the course that was adopted. Only mark the dilemma in which the governor might have found himself placed by his own acts. The only justification of the court-martial was his proclamation. Had that court sat at the moment of danger, there would have been less ground for complaint against it. But it did not assemble until the emergency had ceased; and it then sat for eight-and-twenty days. Suppose a necessity had existed at the commencement of the trial, but that in the course of the eight-and-twenty days it had ceased;

—suppose a necessity had existed in the first week, who could predict that it would not cease before the second? If it had ceased with the first week of the trial, what would have been the situation of the governor? The sitting of the court-martial at all, could be justified only by the proclamation of martial law; yet it became the duty of the governor to revoke that proclamation. Either, therefore, the court-martial must be continued without any warrant or colour of law, or the proclamation of martial law must be continued only to legalize the prolonged existence of the court-martial. If, at any moment before its proceedings were brought to a close, the urgent pressure had ceased which alone justified their being instituted, according to the assumption I am making in favour of the court, and for argument's sake; then to continue martial law an hour longer would have been the most grievous oppression, the plainest violation of all law; and to abrogate martial law would have been fatal to the continuance of the trial. But the truth is, that the court has no right even to this assumption, little beneficial as it proves; for long before the proceedings commenced, all the pressure, if it ever existed, was entirely at an end.

I now, Sir, beg the House will look with me, for a moment, at the course of proceeding which the court, constituted in the manner and in the circumstances that I have described, thought fit to adopt. If I have shewn that they had no authority, and that they tried this clergyman illegally, not having any jurisdiction, I think I can prove as satisfactorily that their proceedings were not founded on any grounds of justice, or principles of law, as I have proved that the court itself was without a proper jurisdiction. And here I beg leave to observe, that the minutes of the proceedings on the table of the House are by no means full, although I do not say they are false. They do not misrepresent what occurred, but they are very far, indeed, from telling all that did occur; and the omissions are of a material description. For instance, there is a class of questions which it is not usual to permit in courts of justice, called leading questions; the object of which is, to put into the witness's mouth the answers which the examiner desires he should make. This is in itself objectionable; but the objection is doubled, if in a report of the examination the questions are omitted, and

the answers are represented as flowing spontaneously from the witness, and as being the result of his own recollection of the fact, instead of the suggestions of another person. I will illustrate what I mean by an example. On the fifth day of the trial, Bristol, one of the witnesses, has this question put to him; "You stated, that, after the service was over, you stayed near the chapel, and that Quamina was there: did you hear Quamina tell the people what they were to do?" To that the answer is, "No, Sir." The next question but one is, "Did you hear Quamina tell the other negroes, that on the next Monday they were all to lay down their tools and not work?" To which the witness (notwithstanding his former negative) says, "Yes, I heard Quamina say so a week before the revolt broke out." Now, in the minutes of evidence laid on the table of the House, both the questions and the answer to the first are omitted, and the witness is described as, saying, without any previous prompting, "A week before this revolt broke out, I heard Quamina tell the negroes that they were to lay down their tools and not work" [hear, hear!].

The next instance which I shall adduce, of the impropriety of the proceedings of the court, is very remarkable, comprehending, as it does, almost all that I can conceive of gross unfairness and irregularity: I mean the way in which the court attended to that which, for want of a better word, I shall call hearsay evidence; although it is so much worse in its nature than any thing which, in the civil and even the military courts of this country, we are accustomed to stigmatize and reject under this title, that I feel I am calumniating the latter by the assimilation. In the proceedings before this court at Demerara, the hearsay is three or four deep. One witness is asked what he has heard another person say was imputed to a third. Such evidence as that is freely admitted by the court in a part of its proceedings. But before I shew where the line was drawn in this respect, I must quote a specimen or two of what I have just been adverting to. In the same page from which I derived my last quotation, the following questions and answers occur:—"How long was it that Quamina remained there?—Three days: they said some of the people had gone down to speak to Mr. Edmonstone; that Jack had gone with them."—"Do you know what has

become of him (Quamina) ?—After I came here, I heard he was shot by the bucks, and gibbeted about Success middle path.” And this, Sir, is the more material, as the whole charge against Mr. Smith rested on Quamina’s being an insurgent, and Mr. Smith’s knowing it. So that we are here not on the mere out-works, but in the very centre and heart of the case. And this charge, be it observed, was made against Mr. Smith after Quamina was shot. It would appear, indeed, that in these colonies it was sufficient evidence of a man’s being a revolter that he was first shot and afterwards gibbeted.—In one part of the examination, a witness is asked, “Do you know that Quamina was a revolter?” The witness answers in the affirmative. The next question is, “How do you know it?” Now, mark, the witness is asked, not as to any rumour, but as to his own knowledge; his answer is, “I know it, because I heard they took him up before the revolt began!” [cries of hear, hear! and a laugh.] This evidence is to be found in pages 24 and 25 of the London Missionary Society’s Report of the Proceedings. In page 35 of the same publication, I find the following questions and answers in the evidence of Mr. M’Turk:—“Where were you on that day (the 18th of August)?—On plantation Felicity, until five in the afternoon.”—“Did any thing particular occur on that day? I was informed—(mark informed)—I was informed by a coloured man, about four o’clock, that the negroes intended revolting that evening; and he gave me the names of two, said to be ringleaders, viz. Cato and Quamina, of plantation Success.” Here, Sir, we have a specimen of the nature of the evidence adduced upon this most extraordinary trial.

In pages 101 and 102 of the Missionary Society’s Report, I find the following passage in the evidence of John Stewart, the manager of plantation Success; and be it in the recollection of the House, that the questions were put by the court itself before which this unfortunate man was tried:—“Did Quamina, Jack, Bethney, Britton, Dick, Frank, Hamilton, Jessamine, Quaco, Ralph, and Windsor, belong to plantation Success at the time of the revolt? Yes.—“Did any of these attend the chapel? The whole of these, except Ralph.—“Have the whole, or any of these, except Quamina, been tried by a court-martial, and proved to have been ac-

tually engaged in the rebellion? I have been present at the trial of Ralph and Jack; and I have seen Ralph, Jack, Jessamine, Bethney and Dick, but have heard only of the others.”—“Who was the most active of the insurgents in the revolt on plantation Success? Richard was the most desperate and resolute; Bethney and Jessamine were very active, and all those mentioned, except Quamina and Jack, whom I did not see do any harm; they were keeping the rest back, and preventing them doing any injury to me.” The Court goes on to ask, “Was not Quamina a *reputed* leader (I beg the House to mark the word *reputed*) in the revolt?—I heard him to be such; but I did not see him.”

Here, then, we have hearsay evidence with a vengeance; reputation proved by rumour; what a man is reputed to be—which would be no evidence of his being so if you had it at first hand—proved by what another has heard unknown persons say—which would be no evidence of his being reputed so, if reputation were proof. There are here at least two stages from any thing like evidence; but there may be a great many more. The witness had heard that Quamina had been a reputed leader; but how many removes there were in this reputed charge we are unable to learn [hear, hear!].

I next come to the evidence of the rev. William Austin, and I find, in page 112, that on the cross-examination by the judge advocate, ample provision is made for letting in this evidence of repute and hearsay. The judge-advocate says—“Did any of these negroes ever insinuate that their misfortunes were occasioned by the prisoner’s influence on them, or the doctrines he taught them?—I have been sitting for some time as a member of the Committee of Inquiry; the idea occurs to me that circumstances have been detailed there against the prisoner, but never to myself individually in my ministerial capacity.” This line of examination is too promising, too likely to be fruitful in irregularity, for the court to pass over: they instantly take it up, and, very unnecessarily distrusting the zeal of the judge advocate, pursue it themselves. By the court: “Can you take upon yourself to swear that you do not recollect any insinuations of that sort at the Board of Evidence?” The witness here objected to the question, because he did not conceive himself at liberty to divulge what had

passed before the Board of Inquiry, but particularly to the form or wording of the question, which he considered highly injurious to him. The president insisted (for it was too much to expect that even the chaplain of the government should find favour before that tribunal) upon the reverend witness's answering the question: observing, that the court was the best judge of its propriety. The witness then respectfully requested the opinion of the court, and it was cleared. Upon re-entering, the assistant judge-advocate said, "The court is of opinion that you are bound to answer questions put by the court, even though they relate to matters stated before the Board of Evidence." And, again, the opportunity is eagerly seized of letting in reputation and hearsay evidence. The court itself asks—"Did you hear before the Board of Evidence, any negro imputing the cause of the revolt to the prisoner?—Yes, I have." I shall now state to the House some facts with which they are, perhaps, unacquainted, as it was not until late on Saturday that the papers were delivered. Amongst the many strange things which took place, not the least singular was, that the prisoner had no counsel allowed, until it was too late to protect him against the jurisdiction of the court. Most faithfully and most ably did that learned person perform his duty when he was appointed; but had he acted from the beginning he, doubtless, would have objected at once to the power of the court, as I should have done, had I been the missionary's defender. I should have protested against the manner in which the court was constituted; I should have objected, that the men who sat in judgment in that case had previously sat upon many other cases where the same evidence, mixed with different matter not now produced, but all confounded together in their recollection, had been repeated over and over for the conviction of other persons [hear, hear!]. I ask this House, whether it was probable that the persons who formed that court, should have come to the present inquiry with pure, unprejudiced, and impartial judgments, or even with their memories tolerably clear and distinct? I say it was impossible; and, therefore, that they ought not to have sat in judgment upon this poor missionary at all.

But, is this the only grievance? Have I not also to complain of the manner in

which the judge-advocate and the court allowed hearsay evidence to be offered to the third, the fourth, aye, even to the fifth degree? Look, Sir, to what was done with respect to the confession, as they called it, of the negro Paris. I do not wish to trouble the House, by reading that confession. It will be sufficient to state, that finding his conviction certain, and perhaps judging but too truly from the spirit of the court that his best chance of safety lay in impeaching Mr. Smith, he at once avows his guilt, makes what is called a full confession, and throws himself upon the mercy of the court. This done, he goes on with one of—I will say not merely the falsest—but one of the wildest and most impossible tales that ever entered into the mind of man, or that could be put to the credulity even of this court of soldiers. And yet, upon the trial of Mr. Smith, the confession of this man was kept back by the prosecutors; that is to say, it was not allowed to be directly introduced, but was introduced by means of the questions I have last read, as matter of hearsay, which had reached different persons through various and indirect channels. In that confession, Paris falsely says, that Mr. Smith administered the sacrament to them (the form of which he describes) on the day preceding the revolt; and that he then exhorted them to be of good heart, to exert themselves to regain their freedom, for if they failed then, they would never succeed in obtaining it. He says, in another place, that Mr. Smith asked him whether, if the negroes conquered the colony, they would do any harm to him; to which Paris replied in the negative. Now, Sir, only mark the inconsistency of this man's confession. In one place Mr. Smith is represented as anxious for his personal safety, and yet, in almost the same breath, it is said that this very Mr. Smith was the ringleader of the revolt—the adviser and planner of the insurrection—the man who joined Mr. Hamilton in recommending that the negroes should destroy the bridges to prevent the whites from bringing up cannon to attack them [hear, hear!]. This negro is made to say, "I heard Mr. Hamilton say, that the president's wife should be his in a few days; then Jack said the governor's wife was to be his father's wife; and that if any young ladies were living with her, or she had a sister, he would take one for his wife." Mr. Smith is pointed out as

the future emperor; Mr. Hamilton was to be a general, and several others were to hold high offices of different descriptions. Again; Mr. Smith is made to state, that, unless the negroes fought for their liberty upon that occasion, their children's children would never attain it. Now, I ask, is this story probable? Is there any thing like the shadow of truth in it? I said just now, that there was no direct mention of Paris's evidence on the trial: it was found too gross a fabrication to be produced. There were several others who, before the Board of Evidence, had given testimony similar to this, but somewhat less glaringly improbable: but their testimony also was kept back; and they themselves were sent to speedy execution. The evidence of Sandy was not quite so strong; but he, as well as Paris, was suddenly put out of the way. The tales of these witnesses bear palpable and extravagant perjury upon the face of them; they were therefore not brought forward: but the prosecutors, or rather the court, did that by insinuation and side-wind which they dared not openly to attempt. I say that the court did this; the court well knowing that no such witnesses as Paris and Sandy could be brought forward—men, the excesses of whose falsehoods utterly counteracted their effect—contrived to obtain the whole benefit of their statements, unexposed to the risk of detection, by the notable device of asking one who had heard them a general question as to their substance; the prisoner against whom this evidence was given, having no knowledge of the particulars, and no means of shewing the falsehood of what was told, by questioning upon the part which was suppressed, “Did you hear any negro, before the Board of Evidence, impute the cause of the revolt to the prisoner?” When compelled to answer this monstrous question, the witness could only say, Yes. He had heard negroes impute the cause to the prisoner: but they were the negroes Paris and Sandy (and those who put this unheard-of question knew it, but he against whom the answer was levelled knew it not)—Paris and Sandy, whose whole tale was such a tissue of enormous falsehoods as only required to be heard to be rejected in an instant; and whose evidence for that reason had been carefully suppressed.

Having said so much with respect to the nature of the evidence offered against the

prisoner, and had occasion to speak of the confessions, I shall now call the attention of the House to a letter which has been received from a gentleman of the highest respectability, and entitled to the most implicit credit, but whose name I omit to mention, because he is still resident in the colony. If, however, any doubt should attach to his statement, I shall at once remove it, by mentioning the name of a gentleman to whom reference can be had on the subject—I mean the rev. Mr. Austin. He is a man who had no prejudices or prepossessions on the subject; he is a clergyman of the Church of England, chaplain of the colony, and I believe the curate of the only English Established Church to which 77,000 slaves can have recourse for religious instruction. I mention this in passing, only for the purpose of shewing, that if the slaves are to receive instruction at all, they must receive it in a great degree from members of the missionary society. [The hon. and learned member here read a letter, in which it was stated, that the rev. Mr. Austin had received the last confession of Paris, who stated that Mr. Smith was innocent, and he (Paris) prayed that God would forgive him the lies that Mr. — had prevailed upon him to tell.] I shall not mention the name of the person alluded to by Paris: it is sufficient at present to say, that he took a most active part in getting up the prosecution against this poor missionary [hear, hear!]. The letter goes on to state, that similar confessions had been made by Jack and Sandy. The latter had been arrested and sent along the coast to be executed, without Mr. Austin's knowledge (as it appeared, from a wish to prevent him from receiving his confession); but that gentleman, hearing of the circumstance, proceeded with all speed to the spot, and received his confession to the above effect. He also went to see Jack, who informed him, that Mr. Smith was innocent, and that he (Jack) had said nothing against him but what he had been told by others [hear, hear!]. Now I beg the House to attend to what Jack, at his trial, said against Mr. Smith—statements which had been put into his mouth by persons who wished to injure Mr. Smith and bring the characters of missionaries generally into disrepute. This poor wretch said, that he had lived thirty years on the Success estate, and that he would not have acted as he had done, if he had not been told that the negroes were entitled to their

freedom, but that their masters kept it from them. He went on to say, that not only the deacons belonging to Bethel Chapel, but even Mr. Smith himself had affirmed this, and were acquainted with the fact of the intended revolt; and this he stated as if, instead of being on his own trial, he was a witness against Mr. Smith. He also threw himself on the mercy of the court. Now, what did the court do? They immediately examined a Mr. Herbert, and another gentleman, as to this confession. The former stated, that he took the substance of the confession down in his own language to a certain point; the rest was taken down by a gentleman whom I refrain from naming, but who, I am bound to say, deserves no great credit for the part which he acted in this unfortunate scene. Jack, in this defence, thus prepared, and thus anxiously certified, says—"I am satisfied I have had a fair trial. I have seen the anxiety with which every member of this court-martial has attended to the evidence, and the patience with which they have listened to my cross-examination of the witnesses. From the hour I was made prisoner by captain M'Turk up to this time, I have received the most humane treatment from all the whites; nor have I had a single insulting expression from a white man, either in prison or any where else. Before this court, I solemnly avow that many of the lessons and discourses taught, and the parts of Scripture selected for us in chapel, tended to make us dissatisfied with our situation as slaves; and, had there been no Methodists on the east coast, there would have been no revolt, as you must have discovered by the evidence before you: the deepest concerned in the revolt were the negroes most in parson Smith's confidence. The half sort of instruction we received I now see was highly improper: it put those who could read on examining the bible, and selecting passages applicable to our situation as slaves; and the promises held out therein were, as we imagined, fit to be applied to our situation, and served to make us dissatisfied and irritated against our owners, as we were not always able to make out the real meaning of these passages: for this I refer to my brother-in-law Bristol, if I am speaking the truth or not. I would not have avowed this to you now, were I not sensible that I ought to make every atonement for my past conduct, and put you on your guard in future" [hear, hear!

and a laugh].—Wonderful indeed are the effects of prison discipline within the tropics! I would my hon. friend, the member for Shrewsbury, were here to witness them. Little indeed does he dream of the sudden change which a few weeks of a West-Indian dungeon can effect upon a poor, rude, untutored African! How swiftly it transmutes him into a reasoning, speculating, creature; calmly philosophizing upon the evils of half education, and expressing himself in all but the words of our poet, upon the dangers of "a little learning;" yet evincing by his own example, contrary to the poet's maxim, how wholesome a "shallow draught" may prove when followed by the repose of the gaol! Sir, I defy the most simple of mankind to be for an instant deceived by this mean and clumsy fabrication. Every line of it speaks its origin, and demonstrates the base artifices to which the missionary's enemies had recourse, by putting charges against him into the mouth of another prisoner, trembling upon his trial, and crouching beneath their remorseless power.

I have stated, that, up to a certain point, the court received hearsay evidence and with unrestricted liberality. But the time was soon to come when a new light should break in, and the eyes of those just judges be opened to the strict rules of evidence, and every thing like hearsay be rejected. In page 116 I find, that, when the prisoner was questioning Mr. Elliot as to what another person, Mr. Hopkinson, had said, an objection was taken, the court was cleared, and, on being re-opened, the assistant judge-advocate thus addressed Mr. Smith: "The court has ordered me to say, that you must confine yourself to the strict rules of evidence; and that hearsay evidence will not in future be received." [hear, hear.]—"Will not in future be received!" [loud cheering.]—Up to that period it had been received; nay, the judges themselves had put the very worst questions of that description. I say, that great as had been the blame due to the judge-advocate upon this occasion; violent, partial, unjust, and cruel as had been his conduct towards the prisoner; much as he had exceeded the limits of his duty; flagrantly as he had throughout wronged the prisoner in the discharge—I was about to say in the breach—of his official duty; and much and grievously culpable as were some other persons to whom I have al-

luded, their conduct was decorous in itself, and harmless in its consequences, compared with the irregularity, the gross injustice, of the judges who presided [hear, hear!]. Well, then, those same judges, when the prosecutor's case was closed, and sufficient matter was supposed to have been obtained by the most unblushing contempt of all rules, from the cross-examination of the prisoner's witnesses, suddenly clothed themselves with the utmost respect for those same rules, in order to hamper the prisoner in his defence, which they had systematically violated in order to assist his prosecution. After admitting all hearsay, however remote, after labouring to overwhelm him with rumour, and imputation, and reports of reputation, and insinuation at second hand, they strictly prohibited every thing like hearsay where it might avail him for his defence. Nay, in their eagerness to adopt the new course of proceeding, and strain the strict rules of law to the uttermost against him, they actually excluded, under the name of hearsay, that which was legitimate evidence. The very next question put by Mr. Smith went to shew that he had not concealed the movements of the slaves from the manager of the estate; the principal charge against him being concealment from "the owners, managers, and other authorities." "Did any conversation pass on that occasion between Mr. Stewart, yourself, and the prisoner, relative to negroes; and if so, will you relate it?"—Rejected. "Did the prisoner tell Mr. Stewart, that several of the negroes had been to inquire concerning their freedom, which they found had come out for them?"—Rejected. These questions, and several others which referred to the very essence of the charge against him, were rejected. How, then, can any effrontery make men say that this poor missionary had an impartial trial? To crown so glaring an act of injustice can any thing be wanting? But if it were, we have it here. The court resolved, that its worst acts should not appear on the minutes: it suppressed those questions and expunged also the decision, forbidding heresay evidence *for the future!* But the rule having, to crush the prisoner, been laid down, we might at least have expected that it would be adhered to. No such thing. The moment that an occasion presents itself, when the rule would hamper the prosecutor and the judges, they abandon it, and recur to their fa-

vourite hearsay. In the very next page, we find this question put by the court: "Previous to your going to chapel, were you told that plenty of people were there on that day?" If hearsay evidence was thus received or rejected as best suited the purpose of compassing the prisoner's destruction, other violations of law, almost as flagrant, were resorted to, with the same view. Conversations with Mrs. Smith, in her husband's absence, were allowed to be detailed: the sentences passed upon five other persons, previously tried, were put in, and I should suppose privately read, by the court; as I find no allusion to them in the prisoner's most able and minute defence, which touches on every other particular of the case; and all mention of those sentences is suppressed in the minutes transmitted by the court. For the manifest purpose of blackening him in the eyes of the people, and with no earthly reference to the charges against him, a long examination is permitted into the supposed profits he made by a sale of Bibles, Prayer and Psalm-books, and Catechisms! and into the donations he received from his Negro flock, and the contributions he levied upon them for church dues; every one title of which is satisfactorily answered and explained by the evidence, but every one title of which was wholly beside the question. I find that many material circumstances which occurred on the trial are altogether omitted in the House-copy. I find that the evidence is garbled in many places, and that passages of the prisoner's defence are omitted; some because they were stated to be offensive to the government—others because they were said to be of a dangerous tendency—others, again, because the court entertained a different opinion on certain points from the prisoner, or because they might seem to reflect upon the court itself [hear, hear!]. Mr. Smith was charged with corrupting the minds of the slaves, and enticing them to a breach of their duty, and of the law of the land, because he recommended to them not to violate the Sabbath. It was objected against him also by some, that he selected passages from the Old Testament; and by others that he did not, as he ought, confine himself to certain parts of the New Testament: others, again, found fault with him for teaching the negroes to read the bible. And when, in answer to these charges, he cited passages from the

bible in his defence, he was told that he must not quote scripture, as it was supposed that every member of the court was perfectly acquainted with the Sacred Writings—a supposition which certainly did not occur to one on reading their proceedings. [hearl and a laugh.] By others, again, this poor man was held up as an enthusiast, who performed his functions in a wild and irregular manner. It was said, that his doctrines were of a nature to be highly injurious in any situation, but peculiarly so amongst a slave population. In proof of this assertion, it was stated, that the day before the revolt he preached from Luke xix. 41, 42—“And when He was come near, he beheld the city, and wept over it; saying, If thou hadst known even thou, in this thy day, the things which belong unto thy peace! but now they are hid from thine eyes.” Thus was this passage, which has been truly described by the rev. Mr. Austin as a text of singular beauty, turned into matter of accusation and reproach against this unfortunate missionary. But, if this text was held to be so dangerous—so productive of insubordination and rebellion—what would be said of the clergy of the established church, of whose doctrines no fear was entertained? The text chosen by Mr. Smith on this occasion, appeared to the heated imagination of his judges to be one which endangered the peace of a slave community. Very different was the opinion of Mr. Austin, the colonial chaplain, who could not be considered as inflamed with any daring, enthusiastic, and perilous zeal. But what, I ask, might not the same alarmists have said of Mr. Austin, who, on that very day, the 17th of August, had to read, as indeed he was by the rubric bound to do, perhaps in the presence of a large body of Black, White, and Coloured persons, such passages as the following, which occur in one of the lessons of that day, the 14th chapter of Ezekiel:—“When the land sinneth against me by trespassing grievously, then will I stretch out mine hand upon it, and will break the staff of the bread thereof, and will send famine upon it, and will cut off man and beast from it.” “Though these three men” (who might easily be supposed to be typical of Mr. Austin, Mr. Smith, and Mr. Elliot), “were in it, they shall deliver neither sons nor daughters: they only shall be delivered, but the land shall be desolate.” Or if I bring a sword upon that land, and say, Sword, go

through the land, so that I cut off man and beast from it; Though these three men were in it, as I live, saith the Lord God, they shall deliver neither sons nor daughters; but they only shall be delivered themselves.” Let me ask any impartial man, if this is not a text much more likely to be mistaken than the other? And yet every clergyman of the established church was bound to read it on that day.

The charges against Mr. Smith are four. The first states, that, long before the 18th of August, he had promoted discontent and dissatisfaction amongst the slaves against their lawful masters. This charge was clearly beyond the jurisdiction of the court; for it refers to matters before martial law was proclaimed, and consequently before Mr. Smith could be amenable to that law. Supposing that, as a court-martial, they had a right to try a clergyman for a civil offence, which I utterly deny, it could only be on the principle of martial law having been proclaimed that they were entitled to do so. The proclamation might place him, and every other man in the colony, in the situation of a soldier; but if he was to be considered as a soldier, it could only be after the 19th of August. Admitting, then, that the rev. Mr. Smith was a soldier under the proclamation, he was not such on the 18th, on the 17th, nor at any time before the transactions which are called the revolt of Demerara; and yet it was upon such a charge that the court-martial thought proper, and indeed was obliged, to try him, if it tried him at all. But they had no more right, I contend, to try him for things done before the 19th in the character of a soldier liable to martial law, than they would have to try a man, who had enlisted to-day, for acts which he had committed the day before yesterday, according to the same code of military justice. The same reasoning applies to three of the four charges. There is only one charge, that of communicating with Quamina touching the revolt, which is in the least entitled to consideration; yet this very communication might have been to discourage, and not to excite or advise the revolt. In fact, it was clearly proved to have been undertaken for that purpose, notwithstanding the promises of the judge-advocate to the contrary. There are three things necessary to be established before the guilt of this unfortunate man can be maintained on

this charge: first, that Quamina was a revolter; secondly, that Mr. Smith knew him to be a revolter; and thirdly, that he had advised and encouraged him in the revolt:—for the misprision, the mere concealment, must be abandoned by those who support the sentence, inasmuch as misprision is not a capital offence. But all the evidence shews that Quamina did not appear in such a character—that Mr. Smith was ignorant of it, even if he did—and that his communication was directed to discourage, and not to advise any rash step into which the sufferings of the slaves might lead them. As to his not having seized on Quamina, which is also made a charge, the answer which the poor man himself gave was a sufficient reply to any imputation of guilt that might be founded on it. Look, said he, on these limbs, feeble with disease, and say, how it was possible for me to seize a powerful robust man, like Quamina, inflamed with the desire of liberty, as Quamina must have been if he were a revolter, even if I had been aware that he was about to head a revolt. But, in truth, there is not a tittle of evidence that Mr. Smith knew of the revolt: while there is abundant proof that he took especial measures and watchful care to tell all he did know to the proper authorities, the managers of the estate. If, again, the defenders of the court-martial retreat from this to the lower ground of mere concealment, and thus admit the illegality of the sentence, in order to show something like matter of blame in the conduct of the accused, I meet them here as fearlessly upon the fact, as I have already done upon the law of their case; and I affirm, that he went the full length of stating to Mr. Stewart, the manager of the estate, his apprehensions with respect to the impending danger; that “the lawful owners, proprietors, and managers” were put upon their guard by him, and were indebted to his intelligence, instead of having a right to complain of his remissness or disaffection; that he told all he knew, all he was entitled to consider as information (and no man is bound to tell mere vague suspicions, which cross his mind, and find no abiding place in it); and that he only knew any thing precise, respecting the intentions of the insurgents, from the letter delivered to him half an hour before the negroes were up in arms, and long after the movement was known to every manager in the neighbourhood. The court, then, having no jurisdiction

to sit at all in judgment upon this preacher of the Gospel—their own existence as a court of justice being wholly without the colour of lawful authority—tried him for things which, had they ever so lawful a title to try him, were wholly beyond their commission; and of those things no evidence was produced upon which any man could even suspect his guilt, even if the jurisdiction had been unquestionable, and the accused had been undeniably within its range. But, in spite of all the facts—in spite of his well-known character and upright conduct—it was necessary that he should be made an example for certain purposes: it was necessary that the missionaries should be taught in what an undertaking they had embarked; that they should be warned, that it was at their peril they preached the Gospel: that they should know it was at the hazard of their lives that they opened the bible to their flocks: and therefore it was, that the court-martial deemed it expedient to convict Mr. Smith, and to sentence him to be hanged by the neck until he was dead!

But, the negroes, it seems, had grumbled at the reports which went abroad respecting their liberation by an act of his majesty, and the opposition said to be given to it by their proprietors. Who propagated those reports? Certainly not Mr. Smith. It is clear that they originated, in one instance, from a servant who attended at the governor's table, and who professed to have heard them in the conversations which took place between the governor and his guests. Another account was, that a kept woman had disclosed the secret, having learnt it from her keeper, Mr. Hamilton. The negroes naturally flocked together to inquire whether the reports were true or not; and Mr. Smith immediately communicated to their masters his apprehensions of what he had always supposed possible, seeing the oppression under which the slaves laboured, and knowing that they were men. But, it is said, that at six o'clock on the Monday evening, one half hour before the rebellion broke out, he did not disclose what he could not have known before; namely, that a revolt was actually about to commence. Now, taking this fact, for the sake of argument, to be proved to its fullest extent, I say that a man convicted of misprision cannot by the law be hanged [hear, hear!]. The utmost possible vengeance of the law, according to the wildest dream of the highest preroga-

tive lawyer, could not amount to any thing like a sanction of this. Such I assert the law to be: I defy any man to contradict my assertion, that up to the present hour, no English lawyer ever heard of misprision of treason being treated as a capital offence; and that it would be just as legal to hang a man for a common assault. But, if it be said, that the punishment of death was awarded for having aided the revolt, I say the court did not, could not, believe this; and I produce the conduct of the judges themselves to confirm what I assert. They were bold enough in trying and convicting, and condemning the victim whom they had lawlessly seized upon; but they trembled to execute a sentence so prodigiously illegal and unjust; and having declared that, in their consciences and on their oaths, they deemed him guilty of the worst of crimes, they all in one voice add, that they also deem him deserving of mercy in respect of his guilt! Is it possible to draw any other inference from this marvellous recommendation, than that they distrusted the sentence to which it was attached? When I see them—frightened by their own proceedings, starting back at the sight of what they had not scrupled to do—can I give them credit for any fear of doing injustice; they who, from the beginning to the end of their course, had done nothing else? Can I believe that they paused upon the consummation of their work from any motive but a dread of its consequences to themselves; a recollection tardy, indeed, but appalling, that “Whoso sheddeth man’s blood, by man shall his blood be shed?” And not without reason, not without irrefragable reason, did they take the alarm: for, verily if they had perpetrated the last act—if they had dared to take this innocent man’s life (one hair of whose head they durst not touch), they must themselves have died the death of murderers [hear, hear!].

Monstrous as the whole proceedings were, and horrid as the sentence that closed them, there is nothing in the trial from first to last, so astounding as this recommendation to mercy, coming from persons who affected to believe him guilty of such enormous crimes. If he was proved to have committed the offence of exciting the slaves to acts of bloodshed—if his judges believed him to have done what their sentence alleged against him—how unspeakably aggravated was his guilt, compared with that of the poor untutored

slaves, whom he had misled from their duty, under the pretext of teaching them religion. How justly might all the blood that was shed be laid upon his head! How fitly, if mercy was to prevail, might his deluded instruments be pardoned, and himself alone be singled out for vengeance, as the author of their crimes! Yet, they are cut off in hundreds by the hand of justice, and he is deemed an object of compassion! How many victims were sacrificed we know not with precision. Such of them as underwent a trial before being put to death were judged by this court-martial. Let us hope that they had a fair and impartial trial, more fair and more impartial than the violence of political party and the zeal of religious animosity granted to their ill-fated pastor. But, without nicely ascertaining how many fell in the field, or by the hands of the executioner, I fear we must admit that far more blood was thus spilt than a wise and just policy required. Making every allowance for the alarms of the planters, and the necessity of strong measures to quell a revolt, it must be admitted, that no more examples should have been made than were absolutely necessary for this purpose. Yet, making every allowance for the agitation of men’s minds at the moment of danger, and admitting (which is more difficult) that it extended to the colonial government, and did not subside when tranquillity was restored, no man can avoid suspecting, that the measure of punishment inflicted considerably surpassed the exigencies of the occasion. By the negroes, indeed, little blood had been shed at any period of the revolt, and in its commencement none at all: altogether only one person was killed by them. In this remarkable circumstance the insurrection stands distinguished from every other movement of this description in the history of colonial society. The slaves inflamed by false hopes of freedom, agitated by rumours, and irritated by the suspense and ignorance in which they were kept, exasperated by ancient as well as more recent wrongs (for a sale of fifty or sixty of them had just been announced, and they were about to be violently separated and dispersed), were satisfied with combining not to work; and thus making their managers repair to the town and ascertain the precise nature of the boon reported to have arrived from England. The calumniated minister had so far humanized his poor flock—his dangerous preaching had so enlightened them—the lessons of

himself and his hated brethren had sunk so deep in their minds, that, by the testimony of the clergyman, and even of the overseers, the maxims of the Gospel of peace were upon their lips in the midst of rebellion, and restrained their hands when no other force was present to resist them. "We will take no life," said they; "for our pastors have taught us not to take that which we cannot give;"—a memorable peculiarity, to be found in no other passage of Negro warfare within the West-Indian Seas, and which drew from the truly pious minister of the Established Church the exclamation, that "He shuddered to write, that they were seeking the life of the man whose teaching had saved theirs!" But it was deemed fitting to make tremendous examples of those unhappy creatures. Considerably above a hundred fell in the field, where *they* did not succeed in putting one soldier to death. A number of the prisoners also, it is said, were hastily drawn out, at the close of the affray, and instantly shot. How many, in the whole, have since perished by sentences of the court, does not appear; but, up to a day in September, as I learn by the Gazette, which I hold in my hand, forty-seven had been executed.

A more horrid tale of blood yet remains to be told: Within the short space of a week, as appears by the same document, ten had been torn in pieces by the lash: some of these had been condemned to six or seven hundred lashes; five to one thousand each; of which inhuman torture one had received the whole, and two almost the whole, at once. In deploring this ill-judged severity I speak far more out of regard to the masters than the slaves. Yielding thus unreservedly to the influence of alarm, they have not only covered themselves with disgrace, but they may, if cooler heads and steadier hands control them not, place in jeopardy the life of every white man in the Antilles. Look now to the incredible inconsistency of the authorities by whom such retribution was dealt out, while they recommended *him* to mercy, whom in the same breath they pronounced a thousand times more guilty than the slaves. Can any man doubt for an instant that they knew him to be innocent, but were minded to condemn, stigmatize and degrade him, because they durst not take his life, and yet were resolved to make an example of him as a preacher? The whole proceedings demonstrate the hatred of his persecutors

to be levelled at his calling and his ministry. He is denounced for reading the Old Testament; charged with dwelling upon parts of the New; accused of selling religious tracts; blamed for collecting his hearers to the sacrament and catechism, all under various pretences, as that the texts were ill chosen—the books sold too dear—the communicants made to pay dues. Nay, for teaching obedience to the law which commands to keep holy the Sabbath, he is directly, and without any disguise, branded as the sower of sedition. Upon this overt act of rebellion against all law, human and divine, a large portion of the prosecutor's invectives and of his evidence is bestowed. What, though the reverend defendant shewed clearly, out of the mouths of his adversary's witnesses, that he had uniformly taught the negroes to obey their masters, even, if ordered by them to break the rest of the Sabbath; that he had expressly inculcated the maxim, Nothing is wrong in you which your master commands; and nothing amiss in him which necessity prescribes? What, though he reminded the court, that the seventh day, which he was charged with taking from the slaves, was not his to give or to withhold; that it had been hallowed by the divine Lawgiver to his own use, and exempted in terms from the work of slave as well as master—of beast as well as man? He is arraigned as a promoter of discontent, because he, the religious instructor of the negroes, enjoins them to keep the Sabbath holy, when their owners allow them no other day for working; because he, a minister of the Gospel, preaches a duty prescribed by the laws of religion and by the laws of the land, while the planters live in the contempt of it.

In short, no man can cast his eye upon this trial, without perceiving that it was intended to bring on an issue between the system of the slave-law and the instruction of the negroes. The exemplar which these misguided creatures seem to have set before them, is that of their French brethren in St. Domingo—one of whom, exulting in the expulsion of the Jesuits, enumerates the mischiefs occasioned by their labours. "They preached," says he, "they assembled the negroes, made their masters relax in their exactions, catechised the slaves, sung psalms, and confessed them." "Since their banishment," he adds, "marriages are rare; the negroes no longer make houses for themselves apart: it is no longer allow-

able for two slaves to separate for ever their interest and safety from that of the gang" (a curious circumlocutory form of speech to express the married state). "No more public worship!" he triumphantly exclaims, "no more meetings in congregation! no psalm singing, nor sermons for them!" "But they are still catechised; and may, on paying for it, have themselves baptized three or four times" (upon the principle, I suppose, that, like inoculation, it is safer to repeat it). In the same spirit the Demerara public meeting of the 24th of February, 1824, resolved forthwith to petition the Court of Policy "to expel all missionaries from the colony, and to pass a law prohibiting their admission for the future." Nor let it be said, that this determination arose out of hatred towards sectaries, or was engendered by the late occurrences. In 1808, the Royal Gazette promulgated this doctrine, worthy of all attention: "He that chooses to make slaves christians, let him give them their liberty. What will be the consequence when to that class of men is given the title of 'beloved brethren' as actually is done? Assembling negroes in places of worship gives a momentary feeling of independence both of thinking and acting, and by frequent meetings of this kind a spirit of remark is generated; neither of which are sensations at all proper to be excited in the minds of slaves." Again, in 1823, says the government paper; "To address a promiscuous audience of black or coloured people, bond and free, by the endearing appellation of 'My brethren and sisters,' is what can no where be heard except in Providence Chapel;"—a proof how regularly this adversary of sectarian usages had attended to the service of the church. And, in February last, the same judicious authority, in discussing the causes of the discontents, and the remedy to be applied, thus proceeds: "It is most unfortunate for the cause of the planters, that they did not speak out in time. They did not say, as they ought to have said, to the first advocates of missions and education, We shall not tolerate your plans till you prove to us that they are safe and necessary; we shall not suffer you to enlighten our slaves, who are by law our property, till you can demonstrate that when they are made religious and knowing they will still continue to be our slaves."—"In what a perplexing predicament do the colonial proprietors now stand! Can the march of events be pos-

sibly arrested? Shall they be allowed to shut up the chapels and banish the preachers and schoolmasters, and keep the slaves in ignorance? This would, indeed, be an effectual remedy; but there is no hope of its being applied"!!!—"The obvious conclusion is this; Slavery must exist as it now is, or it will not exist at all." "If we expect to create a community of reading, moral, church-going slaves, we are woefully mistaken"—Ignorant! oh, profoundly ignorant, of "the things that belong to their peace!" may we truly say, in the words of the missionary's beautiful text,—to that peace, the disturbance of which they deem the last of evils. Were there not dangers enough besetting them on every side without this? The frame of West-Indian society, that monstrous birth of the accursed slave-trade, is so feeble in itself, and, at the same time, surrounded with such perils from without, that barely to support it demands the most temperate judgment, the steadiest and the most skilful hand; and, with all our discretion, and firmness, and dexterity, its continued existence seems little less than a miracle. The necessary hazards, to which, by its very constitution, it is hourly exposed, are sufficient, one should think, to satiate the most greedy appetite for difficulties, to quench the most chivalrous passion for dangers. Enough, that a handful of slave-owners are scattered among myriads of slaves—Enough, that in their nearest neighbourhood a commonwealth of those slaves is now seated triumphant upon the ruined tyranny of their slaughtered masters—Enough, that, exposed to this frightful enemy from within and without, the planters are cut off from all help by the ocean. But to odds so fearful, these deluded men must needs add new perils absolutely overwhelming. By a bond, which nature has drawn with her own hand, and both hemispheres have witnessed, they find leagued against them every shade of the African race, every description of those swarthy hordes, from the peaceful Eboe to the fiery Koromantyn. And they must now combine in the same hatred the Christians of the old world with the Pagans of the new. Barely able to restrain the natural love of freedom, they must mingle it with the enthusiasm of religion,—vainly imagining that spiritual thralldom will make personal subjection more bearable;—wildly hoping to bridle the strongest of the passions, in union and in excess,—the desire of li-

berty irritated by despair, and the fervour of religious zeal by persecution exasperated to phrensy. But I call upon parliament to rescue the West Indies from the horrors of such a policy; to deliver those misguided men from their own hands. I call upon you to interpose while it is yet time to save the West Indies; first of all, the negroes, the most numerous class of our fellow-subjects, and entitled beyond every other to our care by a claim which honourable minds will most readily admit,—their countless wrongs, borne with such forbearance—such meekness—while the most dreadful retaliation was within their grasp: next, their masters, whose shortsighted violence is, indeed, hurtful to their slaves, but to themselves is fraught with fearful and speedy destruction, if you do not at once make your voice heard and your authority felt, where both have been so long despised.—The hon. and learned gentleman concluded with moving,

“That an humble address be presented to his Majesty, representing that this House, having taken into their most serious consideration the papers laid before them relating to the Trial and Condemnation of the late Rev. John Smith, a missionary in the colony of Demerara, deem it their duty now to declare, that they contemplate with serious alarm and deep sorrow the violation of law and justice which is manifest in those unexampled proceedings; and most earnestly praying, that his Majesty will be graciously pleased to adopt such measures as to his royal wisdom may seem meet for securing such a just and humane administration of law in that colony as may protect the voluntary Instructors of the Negroes, as well as the Negroes themselves, and the rest of his Majesty’s subjects, from oppression.”

Mr. *Wilmot Horton* said:—

The House, Sir, are fully aware of the peculiar circumstances of difficulty under which I am placed, from the voluminous nature of the documents on which the hon. and learned member has founded his motion. I have earnestly to request their attention on this occasion, placed, as I am, in a situation which, they will easily conceive, is one of no ordinary difficulty; and if they find that I am thus compelled to this unequal war, I hope the more, that they will give me their indulgence, as I feel confident that I shall more easily discharge my duty if I can command the patient

attention of the House, and that I shall diminish that claim on their time which the importance of the subject will compel me to interpose.

Sir, the hon. and learned gentleman commenced his speech by stating, that he found, with much regret, that the interest excited on this subject within this House bore very little proportion to that which existed out of it. I beg to say, that I am not at all surprised at that remark. I well know by what means the interest has been excited. It will be in the recollection of the House, that when the hon. member for Knaresborough presented a petition on this subject, containing many charges and imputations, I protested against the accuracy of the statements in that petition, and against the prudence of those who preferred it. Before I sit down, I trust I shall redeem that pledge. At present, I shall proceed to follow the hon. and learned gentleman in what has fallen from him through the course of his observations.

The hon. and learned gentleman seems to have endeavoured to establish an interest with a party in these proceedings, who, in point of fact, have no real relation or connexion with them. I contend, that it is not against missionaries in general, but against the misuse of the powers delegated to a particular missionary, that any dissatisfaction exists. I contend, that if this individual had followed those admirable lessons of prudence which had been addressed to him in the Instructions of the Society which sent him to the colony, instead of the House being employed, as they now are, in the examination of the circumstances that attended his unfortunate fate, he might have remained in the colony in the discharge of those duties which they had so discreetly imposed upon him. It appears to me, that the solution of this case involves no material difficulty. The hon. and learned gentleman has, for some time, descanted on the duties which belong to the situation of a missionary. But, let us look to the state of that society to which this missionary was sent. It was one in which slavery existed by law. It was for him to inculcate religious doctrines on the minds of the slaves, without exhibiting to them views referring to their lot in society. I think we have abundant proof that the solution will be found to be this, that Mr. Smith was an enthusiast. The hon. gentleman has characterized him by that term;

supposing, perhaps, that it might be imputed to him. I impute it to him, not as a matter of criminality, but as the key by which his actions are to be explained; and I trace him through a long course of conduct, as influenced by ill-regulated enthusiasm, until I find him guilty of actions which, if not in themselves in the highest degree criminal, carried with them all the attributes of criminality to such an extent that they could not be distinguished from criminality itself.

Now, Sir, in the first place, let us consider in what this transaction originated. In speaking of the revolt which the hon. member admits to have taken place in Demerara, he does not at all undervalue its importance. He states it to have been one of a dangerous tendency; one which naturally excited the utmost alarm, and which might afford a justification for summary and severe measures. The correspondence of the governor justifies that view of the case. He states, that martial law was the only measure to which he could resort for the preservation of the colony. I shall leave that question to others more competent to speak on it than myself: but I would observe, that I consider it to be a course of proceeding which ought only to be resorted to when a country is so situated that no other alternative remains for its safety. And the continuation of this state of martial law will not be a matter of surprise to any man who knows the circumstances; who is aware of the disproportion existing between the slaves and the white population; and who reflects upon the dreadful consequences that might result from one single day passing among those slaves in a state of insurrection. Every person, in this view of the case, will acknowledge the necessity that compelled the governor to resort to such a measure, which, as an inevitable consequence, carried with it the suspension of civil government, and of the common course of judicial proceedings.

Under these circumstances, a court-martial was appointed for the trial of Mr. Smith. If it were proved, as the hon. gentleman states, that in some instances evidence was admitted contrary to the rules which govern the admission of it in ordinary courts of law, I am yet to be satisfied that it is necessary that those rules should be imperatively binding on the proceedings of a court-martial, or that the validity of that mode of administering justice can be in any degree affected by the

introduction of evidence of a less limited nature. And I am at present uninformed as to the grounds upon which the hon. and learned gentleman has founded his objection to the legality of the evidence actually introduced; but I presume that it is not upon the official papers, but upon the Report of the London Missionary Society.—[Mr. Brougham here explained, that his reasoning as to the evidence was founded on the House copy.]—It appears from that Report, that the parties who took it down (not meaning to impeach the correctness of their intentions) took it down as the result of their memory, and recorded what they believed to be the substance of the questions and answers.

The hon. and learned member principally founds his assertion of the illegality of these proceedings of the court-martial, with respect to the reception of evidence, on the presumed fact, that at the period when they objected to the further introduction of hearsay evidence, that species of evidence had been previously admitted, and that the effect of its introduction was of necessity prejudicial to the interests of the prisoner. He prefaced those observations by calling the attention of the House to a testimony, which he asserted not to be the genuine testimony of the person delivering it, but a testimony got up for the purpose. But it is to be remembered, that the individual to whom he specially alluded was not a witness on the trial, but one of those persons whose evidence was taken before the Board of Evidence previous to the commencement of that trial. Therefore, although I am willing to allow, that the actual expressions which are put down as the evidence of that witness before the Board, cannot be supposed to be his own, I am by no means prepared to admit, that the substance of them might not have been communicated by that individual himself. But, as the tendency of the arguments of the hon. and learned gentleman appears to have reference to the evidence actually admitted on the trial, it is right that the House should understand that this particular evidence was received at the Board, and not introduced in the course of the court-martial. With respect to the passage in page 116 of the Missionary Society's Report, in which the court is represented as admitting that hearsay evidence had been admitted up to that particular period, but stating that for the future it could not be received, I am justified in saying that I do not believe

that to have been the case; I mean, that the interposition there alluded to was so expressed without material qualification.

The hon. gentleman has canvassed the constitution of the court, and has expressed his dissatisfaction that the president of the court of justice should have been appointed a member of that court-martial. But I would ask, whether the state of Demerara was not such, at the period of those proceedings, as to make it probable that his introduction would materially sustain the ends of justice, and give a more deliberate and judicial character to the proceedings—give them a greater bias towards the proceedings of civil justice, than was likely to occur under the more technical regulations of military law. The introduction of a person, not only conversant with the administration of civil justice, but holding the highest judicial situation in the colony, could only have had the effect of giving to those proceedings a more lenient character; and it is my decided opinion, that it is impossible that he could have allowed any thing so monstrous to have taken place, as a rejection of hearsay evidence when it turned in the prisoner's favour, after the admission of it when it tended to his crimination. I put it to the House, who are only cognisant of the documents which are officially before them, sent to us on the faith of the responsible servants of the Crown, whether it is to be inferred from those documents, that anything so monstrous as that interposition could have taken place. The hon. and learned gentleman has also referred to another member of that court-martial, the president. And here, again, I anticipate, that the House will not share the belief of the hon. gentleman, that because that individual happened to hold the office of vendue-master of the colony, he was prepared to abandon his duty as a gentleman and a soldier, for the sake of some indirect interest in the maintenance of the slave system. I assert, that such a presumption seems to be contrary to all probability; and, therefore, I am persuaded that the House will pause before they admit a conclusion so fatal to the honour and character of an individual—that individual a man of the highest reputation, who filled the office of judge-advocate during the Peninsular war, and served with unblemished credit under the illustrious general who conducted its operations. What individual, therefore, could be selected more proper

and suitable to be appointed the president of that court-martial? I am the first to allow that the state of martial law is, in the abstract, what all men must deprecate;—and we, who come down to this House with all those feelings of confidence and security which belong to this happy country, can be roused with much less eloquence than that of the hon. and learned gentleman, when the contrast between that state and our habitual state is made the subject of observation. But, the point for the consideration of the House is, whether substantial justice was not intended to be done; and again, whether, in point of fact, it has not been done.

I would ask, whether the House, up to the present moment, have any clear notion of the situation of Mr. Smith, and the circumstances under which he was brought to trial? I am certain they could not have derived it from the statement of the hon. and learned gentleman. I am not here to defend these proceedings from the charge of having been conducted, in some instances, without exact technicality in point of law, but rather to recal to the recollection of the House the striking facts and circumstances which attend the case. The colony was placed in a situation of most imminent danger. Its population consisted of between three and four thousand whites, and between seventy and eighty thousand slaves. Reflect on the consequences immediately accruing to the property and to the lives of those persons, and of their families. They were satisfied that, by the existing laws, their property was held sacred. Can it, then, be supposed that they should not entertain strong feelings on the subject? But when the constitution of that tribunal is considered, which, had not a court-martial been appointed, must have proceeded with the trial of Mr. Smith, no one can fairly consider that his interests were prejudiced by the substitution which circumstances rendered it necessary to make. The court-martial consisted of thirteen individuals, eleven of whom had no sort of connexion with the colony, but the accidental circumstance of military service at that precise period. The regular tribunal would have consisted of the president, Mr. Wray, who, in his capacity of lieutenant-colonel of militia, actually served on the court-martial, and of eight planters, a majority of five of whom would have decided the

sentence of the prisoner. Those planters would have been summoned to the exercise of judicial duty, under the impression that their lives and property were placed at the utmost hazard; and it is impossible to suppose that they would not have entertained strong feelings on the subject, had they been assembled under a belief that the cause of this critical situation was, in a great degree, referable to the conduct of Mr. Smith.

But, Sir, to return to the court-martial. — Did Mr. President Wray divest himself of responsibility as a member of that court? No; certainly not. Was it not in his power to prevent any injustice being done? Was it not likely that his presence would be of assistance to the prisoner; and, above all, that he accepted his situation from benevolent motives? Is there any reason to believe, that, from the beginning of the transaction to the end, there was any deliberate intention to do injustice to this individual? The hon. and learned member has characterised these proceedings as irregular; which character they may possibly bear, when contrasted with those which we are in the habit of contemplating; but as a question on the measure of justice, is it likely that more substantial justice could have been dealt out to this individual, had he been tried in the civil court of the colony?

The hon. and learned gentleman complains, that an injustice was done to the prisoner, on account of the absence of that delay which would have occurred if the trial had taken place before a civil court. The petition, on the contrary, states, that essential injustice was done by there having been so much delay. Now, both those propositions cannot be true. In point of fact, there was no unnecessary delay. It will be found that the court was summoned immediately after the breaking out of the insurrection; and, on the 25th of August, it began its functions, and continued them regularly from that period until their final termination.

The hon. and learned gentleman, at the close of his speech, contended, that this court-martial had affixed the punishment of death to an offence to which that punishment did not apply. Now, for a moment divesting the question of all the technicalities, and looking to the objects and motives of the parties who were in the situation to pronounce that sentence, I will appeal to the House, and ask them deliberately to decide, whether the court-mar-

tial, in pronouncing that sentence of death, coupled with the recommendation to mercy, did not sentence the prisoner to the most lenient punishment they could possibly inflict? I will ask, whether the House is not convinced, that though the court-martial pronounced the sentence of death, it did not, at the same time, unequivocally shew, by the recommendation of mercy, that it was never intended that that sentence should be carried into effect? The hon. and learned gentleman implies that that recommendation arose from fear. On the contrary, I will tell him, that the court-martial, being aware that, for the crime of misprision of treason which attached to Mr. Smith, no other punishment than that of death could have been pronounced under the Dutch law, thought that the crime itself did attach to Mr. Smith—that he was guilty of a concealment,—but, on the other hand, considered that there were circumstances of palliation, which made it desirable that that sentence should not be carried into effect. It is necessary that the House should well consider the motives that influenced them. It is to be remembered, that, though they found that individual guilty, and sentenced him to death, it has been the constant and unvaried course for years, without exception, that where capital sentence has been passed by a court-martial, accompanied with the recommendation of mercy, the capital punishment has not been inflicted. The court-martial well knew that the power of remitting the extreme sentence was deposited, where it ought to be deposited; namely, in the Crown, which has the power of regulating punishment, of commuting it, and of carrying that recommendation of mercy specifically into effect. I will read, on this subject, the opinion of a noble lord (Loughborough), whose memory stands high in the respect of his country. The noble lord says, “With respect to the sentence itself, and the supposed severity of it, I observe, that the severe part is by the court deposited, where it ought only to be, in the breast of his majesty. I have no doubt but that the intention of that was, to leave room for the application for mercy to be made to his majesty,” &c. I therefore contend, that, if it was argued that misprision of treason had been committed by Mr. Smith, and that that commission under the Dutch law rendered him subject to the extreme punishment of death, still the circumstance of sentencing him to death, with the re-

commendation to mercy, would shew, that even the Dutch law had not been carried into effect; for the sentence of death is not only qualified, but changed, by the recommendation to mercy; and the sentence, accompanied by that qualification, is not in fact a sentence of death.

To revert to the constitution of the civil tribunal at Demerara. What individual, under the circumstances of Mr. Smith, would not have preferred a tribunal composed of persons exempt, as far as possible, from the general irritation then prevailing among the colonists, and from local prejudices, to one constituted of individuals who might have been subject to both? Negro evidence would have been admissible upon that court, as well as on the court-martial. There is not, therefore, that discrepancy which has been supposed between the proceedings of this court-martial, and those of a court of common law in Demerara; and, in point of fact, the same measure and mode of justice were meted out to the prisoner under the operation of the court-martial, as would have been if the civil course of proceeding had been adopted.

But the hon. and learned gentleman has accused the constituted authorities of having deliberately kept up this state of martial law, for the purpose of involving the prisoner in the consequences of its maintenance, and has stated, that no necessity existed for such prolongation. I think I can bring before the House the most conclusive proof that such was not the case. The governor writes, in a letter addressed to lord Bathurst, dated, the 26th of August—"I shall not fail to seize the first justifiable period for restoring to the colony the regular course of law, consulting with the president thereon; but, the alarm of the white inhabitants is too great and too general to lead me to hope for an early return of confidence. They at present place none but in their arms; and the rigour of militia service must be permanently resorted to." Now, under these circumstances, I appeal to the House whether they can doubt the accuracy of this statement, when they consider the circumstances under which the colony was placed, with the fearful disproportion of whites to blacks, and, above all, the small number of troops at that time under the command of the governor. In a letter, dated as late as September, the governor says—"The commander of the forces will have acquainted your lordship

with his inability, under existing circumstances, to send me any reinforcements. I must depend on my own resources in any future emergency, and will not fail to be prepared accordingly." All this tends to shew, that he was compelled by a severe necessity to maintain the state of martial law.

And now, Sir, I will call the attention of the House, as shortly as the subject will admit, to the nature of the insurrection itself. Has the hon. member alluded to the district in which this insurrection broke out? Has he attempted to deny that the principal leaders in it were the agents and assistants of this missionary? Does he mean to say that those circumstances do not involve the elements of strong suspicion? The extensive influence which, on all hands, it is admitted that Mr. Smith exercised over the minds of the slaves, though it does not directly establish criminality, is a circumstance that cannot be put aside by the House, in the view which they will be disposed to take of the subject. Again: what was the amount of the population of the slaves in this particular district? Thirteen thousand. This fact additionally convinces me of the reality and danger of the revolt; and the necessity of martial law; and, consequently, of the justification of the principle upon which this court martial was established.

I have already given the opinion which I have formed of Mr. Smith. I think that he must be pronounced an enthusiast by every person who reads these papers with attention, and who reads the evidence with a desire to possess himself of the real motives which influenced his conduct. It is impossible not to consider him as an enthusiast. I do not mean to attach to that term any criminality; but I think that if he had followed more strictly the admirable instructions of the Society who had sent him forth, and which were given so carefully in detail—if he had expounded the principles there pointed out as right and necessary to inculcate in the minds of the slaves—he would have exercised a far more sound discretion, than in resorting to those hazardous topics, which were likely, at least, to be misunderstood, but which, in my opinion, had a tendency to produce much mischief. I do not here impute to him motives of a directly criminal character; but, at the same time, he appears to have been a man evidently intending to awaken feelings in the minds of the slaves, which, when awakened, it

was most hazardous, if not impossible, to direct to any useful purpose. I introduce these observations, to shew that he cannot be considered, what the missionary society unequivocally consider him, a perfect pattern of what a missionary ought to be. It appears to me, that an enthusiast, in the sense in which I have employed the term, is not the fittest person for such a task. He seems to have been impatient to accomplish supernatural results by the intervention of human means. His mind reverted to those periods when events were brought about by signal judgments, and by the special interposition of Heaven. He reasoned himself into error, and became dangerous. Had he applied himself more closely to the development of those doctrines of the New Testament which recommend fidelity, patience, and obedience, he would have shewn more discretion, and fulfilled more accurately the directions of the society that sent him forth, than in expounding passages from the Old Testament (such as where the children of Israel were held in bondage to the Egyptians), which were calculated to excite dangerous impressions in the minds of those slaves who attended his ministry. I allude principally to that part of the evidence, where, in two different instances, the negroes quote those parts of the bible which speak of the children of Israel in Egypt, and make use of the term "Slaves." "God commanded Moses to take the children of Israel into the land of Canaan."—"Was it told you why God so commanded Moses? That was because God did not wish that they should be made slaves." [Examination of Manuel.]—"Was it also read to you why Moses went to deliver the children of Israel? Yes: because they were slaves under Pharaoh." [Examination of Bristol.]

To shew in what respect I consider Mr. Smith as an enthusiast, I am compelled to have recourse to his journal, notwithstanding the hon. member objected to the production of that journal as evidence. I allude to this journal, not in any degree for the purpose of establishing his criminality, but to shew you that enthusiasm had a great practical influence upon his conduct. I would refer the House to that passage which is in page 6 of the printed proceedings. He says, "I felt my spirit moved within me, at the prayer meeting, by hearing one of the negroes pray most affectionately, that God would overrule the opposition which the planters

make to religion, for his own glory." In such an unaffected strain he breathed out his pious complaint, and descended to so many particulars relative to the various arts which are employed to keep them from the house of God, and to punish them for their religion, that I could not help thinking" (and it is to this part of the passage that I wish to refer) "that the time is not far distant when the Lord will make it manifest, by some signal judgment, that he hath heard the cry of the oppressed." He also says, "I should think it my duty to state my opinion respecting this to some of the rulers of the colony, but am fearful, from the conduct of the Fiscal in this late affair of the negroes being worked on Sundays, that they would be more solicitous to silence me, by requiring me to criminate some individual, than to redress the wrongs done to the slaves, by diligently watching the conduct of the planters themselves, and bringing them to justice (without the intervention of missionaries) when they detect such abuses of the law as frequently take place." If such were the principles on which he acted—if he thought that he could not reconcile it to his duty to give the lawful authorities knowledge of this transaction, though he was cognisant of and privy to it, it appears to me that no man of correct judgment can think that he acted right.

Again, he says,—"Just returned from another fruitless journey; have been for the answer to my petition, but was again told, by the governor's secretary, that his excellency had not given any order upon it, but that I might expect it to-morrow. I imagine the governor knows not how to refuse, with any colour of reason, but is determined to give me as much trouble as possible, in the hope that I shall be weary of applying, and so let it drop; but his puny opposition shall not succeed in that way, nor in any other, ultimately, if I can help it." The House must perceive that Mr. Smith stands here in a character of direct opposition to the constituted authorities.—Again: "Oh, that this colony should be governed by a man who sets his face against the moral and religious improvement of the negro slaves! But he himself is a party concerned, and no doubt solicitous to perpetuate the present cruel system; and to that end probably adopts the common though most false notion, that the slaves must be kept in brutal ignorance. Were the slaves

generally enlightened, they must, and would be, better treated."—It is material here that the House should observe, by reference to the concluding passage of these extracts which have been made from his journal, that he appears to have changed his opinion. They will perceive how it ripened from one degree of enthusiasm to another still more intense. Having recorded his opinion, on the 21st of October, 1822, that, "the common, though most false, notion" was, "that the slaves must be kept in brutal ignorance," and that if they were enlightened "they must, and would be better treated;" on the 15th of July, 1823, he says: "Mrs. de Florimont, and her two daughters, called to take leave of us: they are going to Holland. Mrs. de F. says, she is uncertain as to her return to the colony. Hamilton, the manager, came in with them: his conversation immediately turned upon the new regulations which are expected to be in force; he declared, that if he was prevented flogging the women, he would keep them in solitary confinement, without food, if they were not punctual with their work. He, however, comforted himself in the belief, that the project of Mr. Canning will never be carried into effect; and in this I certainly agree with him. The rigours of negro slavery, I believe, can never be mitigated; the system must be abolished." Is it meant to be laid down as a principle by any missionary society whatever, that an individual holding that sacred character should express, or even entertain, the opinion, that the rigours of slavery can never be mitigated, but that the system must be abolished? That opinion is a speculative one, which may be right or wrong; but I contend, that it is an opinion utterly unsuited for a missionary to hold. It is an opinion which is extremely dangerous in a slave colony; and such an opinion is irreconcilable with those principles which the House of Commons and the executive Government have pointed out, and those means by which amelioration of the condition of the slaves may be gradually effected. But Mr. Smith was not prepared to adopt this progressive course on the principles which this House proposed; he was not prepared to follow those directions: but he had created within himself an opinion founded on enthusiasm, or on what I should consider as mistaken notions of right and wrong, which, as it appears

to me, induced him to think and reason falsely.

As I think it material to establish the fact of the enthusiastic disposition of Mr. Smith, I would refer you to p. 26 of No. I., to the evidence of colonel Reed, who stated, that, in conversation with the prisoner, the prisoner observed "this was not the first insurrection that had taken place in the colony. I said it was an insurrection of a peculiar nature: he then remarked, that much blood had been shed at different periods in religious wars, or on account of religion." I do not quote this passage as one to which any sort of criminality attaches; but I quote it to shew, that such was his habitual custom of considering the subject, such was his opinion, produced by his natural habits of thinking, which led him to do what he did—to become cognizant of this conspiracy without making the necessary exposure of it. I then refer to No. I. p. 7, to the deposition of Mr. W. McWatt, who is the overseer of an estate in Demerara. He had a conversation with the prisoner; and he says, "I said I thought the slaves were much happier than some of the working people at home: I also mentioned that they were well attended to in sickness, a privilege that a number of working people did not enjoy at home. The prisoner then mentioned, that they would not better their situation until something took place, such as had been done in St. Domingo: Mr. Bond then replied. Would you wish to see such scenes as had taken place there? The prisoner said, he thought that would be prevented by the missionaries." Now, do I quote this as crimination? I do not: but I quote it to shew the character of Mr. Smith, and the opinions which he entertained; and I infer that he thought that it was less his duty to ward off the measure, as the dreadful alternative of shedding blood would not be, in his opinion, a necessary consequence. It is admitted, I presume, that he laid it down as a doctrine, that it was religiously wrong to permit the slaves to work on the Sunday. Now, Sir, I think I am justified in attributing that doctrine to the extent to which he carried it, to ill-regulated enthusiasm. I affirm, that it is the intention of government, that it is the positive duty of government, that it has been the resolution of the House of Commons, and that it is the general wish of the people of England, to provide that Sunday should be held sacred, and that all compulsory

labour on that day should be discontinued; but, under the circumstances of the colony of Demerara, it appears to me that it was a most inconvenient doctrine to hold out to the slaves, that they were to work for their masters on the Sunday, but on no account to work for themselves. It was to deprive them of the only means they had of obtaining those little temporal comforts and conveniences which were so necessary to the endurance of their lot. I think, therefore, that it was departing from the responsibility of his situation to tell those slaves, "If you work on the Sunday for yourselves, you are, in a religious point of view, guilty of a criminal action." He should rather have said, "You are not responsible for the institutions of the country in which you live; but I trust the time will come when you will have no excuse for executing any work for yourselves on a day destined to be kept holy."

I now approach a part of the subject which is perfectly new. As yet I have considered Mr. Smith in no criminal character whatever: the facts which I have hitherto stated only present him to us as a person with an enthusiastic frame of mind, and entertaining speculative opinions of what I consider a dangerous character; but I can now, I think, carry it further, and shew his conduct to have been criminal, or, at least, as I have said, having all the attributes of criminality. I can now demonstrate, by evidence not to be impeached, around which there can be none of that doubt which the hon. and learned gentleman would attach to some parts of the evidence adduced—that is, by the evidence of Mr. Smith himself—that he, Mr. Smith, was privy to this insurrection, and that he did not communicate it to the proper authorities; and then I would particularly call the attention of the House to the fatal consequences which resulted from such conduct. In p. 14 of No. I., it appears that Quamina, Bristol, and other negroes, being his own confidential assistants, and holding situations under him, came to Mr. Smith and held a conversation with him on the Sunday immediately before the insurrection broke out; when the expression was used, "driving the white people to town," on which the hon. and learned gentleman puts a very different meaning to what I am disposed to do. The hon. and learned gentleman says, the phrase is only equivalent to striking work: it is now for the House to

interpose their judgment, and to decide, whether they agree in that construction of the import of the phrase. When we consider the obedience necessarily due from the slave to the master in any colony where slavery is sanctioned by law, am I not justified in inferring, that such an avowal of intention ought to have excited in his mind the highest degree of alarm, and to have produced the strongest terms of reprobation? Did not that avowal declare that such was their impatience of their condition, that such was their doubt whether any advantages were come out for them, and such their anxiety to improve their state, that they were resolved to take their cause into their own hands, and to use force? I do not mean to say, that they distinctly intended to take possession of the colony under the operation of a revolt; but their intention evidently was a resistance to power, resistance to authority, and the cessation of the obligation of obedience. Such doctrine could not be entertained by the slaves and be compatible with the safety of the lives and properties of any of the white residents in the West Indies, or any where else, where slavery exists. And now, I would ask, whether Mr. Smith in his defence impeaches the veracity of that evidence? In p. 71 of No. I. you will find that he says,—"They cannot all be believed; no two of them can be believed together. Three of them have certainly made use of the word drive; it was not the word that Quamina used to me." I consider that as a distinct admission that Quamina employed some word similar to that in spirit, and that no expression whatever conveying such an idea could be employed, tending to shew that resistance to authority was their intention, without giving just cause for the highest degree of alarm, and making it necessary that communications should be conveyed in a proper manner to the proper authorities on the subject.

I now, Sir, come to a point wholly omitted by the hon. and learned gentleman; I refer to p. 21 of No. I., where the examination of Jacky Reed is resumed. It proceeds as follows: "The letter you received from Jack Gladstone, you state you sent to the prisoner: do you know its contents?" Now, it is necessary to explain here, that that letter so sent to the prisoner had been destroyed by him. I believe it will not be attempted to shew that such destruction had not taken place. The

letter he states to be this; "My dear brother Jacky, I hope you are well, and I write to you concerning our agreement last Sunday. I hope you will do according to your promise. This letter is written by Jack Gladstone and the rest of the brethren at Bethel chapel; and all the rest of the brothers are ready, and put their trust in you, and we hope that you will be ready also. I hope there will be no disappointment either by one or the other: we shall begin to-morrow night at the Thomas about seven o'clock." I am not aware that Mr. Smith protested against the genuineness of this letter. My object here is not so much to prove that Mr. Smith was guilty of misprision of treason, as to shew, that the individuals alluded to in this note were members of his chapel, and that he lived with many of them on terms of confidence and intimacy. The House must never forget, that these individuals were afterwards leaders in this revolt, which might have made the colony of Demerara one indiscriminate scene of desolation and blood. It will be observed, that the plan of this conspiracy had been nursed and matured by the "brethren of Bethel chapel;" and I am inclined to think that a pre-disposition had been excited in the minds of these slaves; which made them feel impatient of authority, which induced them to believe that the authority exercised over them was unlicensed and unlawful; and, consequently, that they had a right, at any time, to resist those whom they considered as their oppressors. The letter written to the prisoner was as follows:—"Dear Sir, excuse the liberty I take in writing to you: I hope this letter may find yourself and Mrs. Smith well. Jack Gladstone present me a letter, which appears as if I had made an agreement upon some actions, which I never did, neither did I promise him any thing. I hope you will see to it, and inquire of the members, whatever it is they may have in view, which I am ignorant of, and to inquire after, and know what it is. The time is determined on for seven o'clock to night." To which Mr. Smith sends this answer:—"I am ignorant of the affair you allude to; and your note is too late for me to make any inquiry. I learned yesterday that some scheme was in agitation; but, without asking questions on the subject, I begged them to be quiet. I trust they will. Hasty, violent, or concerted, measures are quite contrary to the religion we profess; and I hope you will have nothing

to do with them. Your's, for Christ's sake, J. S."—What! am I to understand, then, that it is the duty of a missionary, when he becomes acquainted with intentions such as these—intentions to resort to measures of violence,—that he is to exercise his discretion, and ask no questions, and voluntarily deprive himself of the means of giving information to those authorities who might have repressed and checked this affair in its commencement? If such a doctrine is to be tolerated for a moment, more injury will be done to the cause of missions, the cause of religion, and to the resolutions of this House, with regard to that great object which all parties are pledged to carry into effect, than ever has been done before. I think it would have been enough to have been maintained by his dearest friends, that Mr. Smith had been an individual of good intention, and of a pure and spotless character; but to contend, that he was a man who could be safely trusted in the delicate situation of a missionary, that he was a man of sound discretion, with a well-regulated mind, and safe maxims of conduct,—all this appears to me to be pregnant with danger, and infinitely more so, when we reflect on the consequences that may result from it. It does appear to me to have been plain that, whatever measures had been adopted by the government, whatever opinions he himself might have entertained on the question of the abolition of slavery, he ought to have known, that that abolition could not have been safely carried into effect without a mutual good feeling between the proprietors and the slaves. How can we imagine, for a moment, that the views taken by this House for the benefit of the negro population can ever be effected without the co-operation and favourable disposition of the masters? Would any master be likely to accept the services of a missionary who declared himself unwilling to obtain information on a subject, the ignorance of which might involve the lives and property of the colonists in destruction? I must confess that it appears to me full of danger to establish the justification of any missionary on such principles, who had shewn such a reluctance, and such a resolution not to hear, or become possessed of, information which it was his duty to obtain for the safety of the inhabitants of the colony. He says, however, "I begged them to be quiet: I trust they will. Hasty, violent, or concerted measures, are quite contrary to the

religion we profess; and I hope you will have nothing to do with them." But, when he wrote this, it is obvious that he knew of the existence, or at least of the intention, of carrying into effect "hasty, violent, or concerted measures:" for, unless that were the case, there could be no necessity for his giving the caution to his correspondent to abstain from concurring in them. The existence of this letter satisfies my mind conclusively, that at this time, Mr. Smith was acquainted with an intended movement which must necessarily lead to insurrection and revolt;—that, being acquainted with it, he did not give the information which it was in his power, and which it was his special duty to have given. By not having communicated it, he placed himself in a situation of criminal responsibility; and it appears to me, that, knowing that a treasonable conspiracy was in agitation, he was guilty of the crime of misprision of treason. Now, whether that crime be punishable by death or not, still I consider that I have established that he was guilty of it.

Then, Sir, I would draw the attention of the House particularly to the charge against Mr. Smith, of having seen Quamina on the Wednesday; and, if the evidence of the witness, Romeo, be believed, there can be no question of the establishment of that fact. It appears by his evidence (p. 9, of No. I.) that he saw Mr. Smith after church on Sunday, in his own house. He says—"I cannot recollect that I saw him on Monday; I saw him on Tuesday, in the evening: I went to visit him, seeing the negroes make such a great noise, as my heart was uneasy. I bid the prisoner 'good night,' and he answered me 'good night.' He then asked me, if I had seen Quamina or Bristol? I replied, 'No.' he made answer, 'They are afraid to come to me now'. He said further, 'I wish I could see any one of them.' " He admits, indeed, that he saw Quamina on the Wednesday, but that he had no knowledge of his being concerned in the revolt. The work published by the missionary society, to which the hon. and learned gentleman has made such frequent reference, contains a document which throws light upon this subject. It is stated by Mrs. Smith, in her affidavit published in that book, that the only conversation that passed between them, on the occasion, was, an observation by Mr. Smith, that "he was sorry and grieved to find that the people had been

so foolish, and so wicked, and mad, as to be guilty of revolting,"—expressions which I regret he did not use when such revolt was only in prospect,—“and that he hoped Quamina was not concerned in it.” But it is difficult to understand how he could have entertained such a hope, as the expressions that Quamina had employed in preceding interviews could hardly have led him to suppose, that, if a revolt took place, he could not have been connected with its operations. And when it is considered that Quamina himself, engaged in the revolt, went to Mr. Smith on the Wednesday, I cannot but infer, that he went to him with a consciousness that he was not endangering himself by those consequences of a visit which might have resulted from his going to any other person whom he considered less in the light of a friend and confidant. All these circumstances appear to me to place Mr. Smith in an attitude affording a strong *prima facie* case of suspicion of guilt. I think the whole of the transaction carries with it this conviction, and that nothing can resist it. You find that individuals already convicted of participation in the insurrection, were dependants of Mr. Smith, on terms of intimacy and acquaintance with him, many of them his agents, and some of them holding offices in his chapel; and yet you are told to believe, that all these circumstances may be the creatures of mere accident, and are utterly independent of the question. I entreat honourable members, with regard to this part of the evidence, to read these papers with attention, and then to avow what is the impression produced on their minds. I would ask any member to read this evidence with attention and to put his hand upon his heart, and declare that he believes Mr. Smith had not been guilty of misprision of treason, whether intentionally or inadvertently, in suppressing his knowledge of the proceedings of the negroes. And, if his conduct has placed him in a situation in which he appears to have been clothed with all the attributes of crime, it is impossible to clear or exonerate him; at least, it is unjust to criminate the court-martial, on the ground of his having been induced to act as he did by good intentions. If a man, under the influence of irregular opinions, of an indiscreet zeal, or of enthusiastic feelings, decides to act in a manner different from those who possess sound and accurate judgment; it is impossible to prevent criminality from attach-

ing to him; and it is useless to deny that it is to such habits and opinions that he owes his misfortunes;—and if the enthusiasm of this individual is to be defended, enthusiasm might be defended in her worst efforts. You may suppose, if you please, that every man is actuated by good intention, but you can only judge of the characters of men by their actions; and judging of Mr. Smith by his actions, you find that he was cognizant of this traitorous conspiracy—a conspiracy calculated to overthrow the whole colony;—and that, being cognizant of it, he omitted to give the proper authorities that information which might have prevented it.

Before we throw unqualified censure on the court by whom this individual was tried, let us for a moment consider the consequences of this conduct. If this conspiracy could have been prevented by the interference or communication of Mr. Smith, he himself became more or less responsible, not only for the consequences which did follow, but for those also which might probably have followed, and which were and would have been the result of his concealment. I now, Sir, particularly wish to refer you to a passage in the petition * presented to this House by the hon. member for Knaresborough, which has necessarily produced an impression on the public. That petition states as follows: “It appears to have been rather a riotous assemblage than a planned rebellion; and within a very few days it was easily suppressed. Many negroes were shot and hanged, though little, if any, injury had been done to any property, and though the life of no white man was voluntarily taken away by them.” “As to the loss of property, I would ask, whether the effect of this temporary suspension of the course of common affairs was not highly prejudicial to the interests of property; and though the effect of the insurrection might not have been the destruction of houses and property by fire and plunder, yet I would inquire if the necessity of compelling individuals to abandon their civil, for exclusively military, occupations, is not to be considered as highly detrimental to their interests; and whether, in fact, they did not sustain a severe loss in their property by this removal from their customary avocations? With respect to loss of life, I call on the House to lend me its attention, while I

refer to the examination and declaration of Mrs. Mary Walrand, to which I venture to challenge the particular attention of the other side of the House. This examination is in p. 22 of No. II. of the Demerara papers now before the House. It is in these terms: “On this day, the 1st of September, 1823, personally appeared Mrs. Mary Walrand, wife of F. A. Walrand, part owner of Nabaclis, on the east coast of the united colony of Demerara and Essequibo, who states, that at half-past four in the morning of the 19th August, 1823, she heard the firing of guns, and persons breaking into the house, the jealousies breaking open.”—I am justified in pressing this statement upon the House. I think it scarcely possible for history to supply a case more interesting than the one I am going to read, or one where female heroism is more likely to challenge and receive admiration, than the narrative of the conduct of this lady. She proceeds to say—“Mr. Walrand then ran down stairs to defend the house, and I ran to one of the chamber windows, threw it open, and begged them to desist. I asked them what was the matter; they said ‘Look at the lady at the window;’ some said, ‘Fire at her;’ they did fire, and struck me in the arm. I retreated then a little from the window, and returned to it again, where I again beseeched them to be quiet; when holding up my hands in an attitude of supplication they again fired and wounded me in the hand. I then ran from the window to the stairs. As I got on the stairs I met my servant boy Billy (a servant boy of Mr. Walrand’s who came from Barbadoes); he asked me where I was going; I said, below; and he said, ‘Oh! my dear mistress, don’t go,’ and spoke with great terror; ‘they have killed Mr. Tucker, wounded Mr. Forbes severely, and my master, I believe, is killed; I saw him dragged on the ground.’”—Be it remembered that when the petitions which have been poured forth upon the table are exclaiming against the proceedings of the court-martial, and when the hon. and learned gentleman would have all the sympathy of mankind mortgaged, as it were, to his eloquence and pathos in behalf of Mr. Smith, I have a right to claim some portion of compassion for those who have fallen victims to this conspiracy; and I would inquire, if some degree of pity is not due to the state of suffering and alarm

* See p. 401 of the present volume.

which this lady was compelled to endure—She goes on: “He then pulled me into my own room, an upper room, and locked the door as soon as I got in; and we had scarcely been in the room before they rushed up stairs. He then opened a window, and jumped on the gallery, where they attempted to fire at him; he called our cook, called Lancaster, and said, ‘Are you going to fire at me? I know you.’ A boy presented at me, standing in the window, when Billy said, ‘Are you going to shoot my mistress?’ I then perceived a very tall man close under the window, below on the ground; he told me, putting his hand on his mouth, Hush! they would not kill me. I begged him then to come up stairs and protect me; he burst the door, a number rushed in, filled the room instantly; the tall man (believed to be Calib, as he confessed it to Mr. Walrand and Mr. R. Reed) entered first, with a pistol presented at me; they all presented at me. I asked them, why they would kill me; what harm I had done them. They said, they did not intend to kill me, but I must show them all the powder and shot, where it was and where my husband was; I said that he had gone down stairs on hearing the noise, and I had never seen him since that time: they said, ‘other gentlemen were in the house, where are they?’ I said I did not know. They then proceeded to examine all the trunks in the room, and boxes, and to take every thing valuable. About this time I began to inquire for Mr. Walrand, what they had done with him. A man then advanced from the crowd, and asked me if I knew him; I said, No, I really did not: he said, ‘I know you, you are a very good lady; I know that you go to your sick-house, give the people physic, and attend to them; and that Mr. Walrand is an excellent master: my name is Sandy, of Non Pareil, head carpenter.’ ‘Well then,’ said I, ‘Sandy, tell me what they have done with Mr. Walrand?’ He said, ‘he is not hurt, m’aa; he is only in the stocks.’ ‘Then,’ I said, ‘I must go there too:’ the tall man then said, ‘O no, you must be guarded in the house.’ Whilst I was begging to go, a man named Joseph of Nabaclis, driver, came up to me, and then I clung to him, and insisted to go to Mr. Walrand: he likewise entreated for me, and spoke of my character as a good mistress to them, and upbraided them with their cruelty in having fired at me. While

Joseph was speaking, the tall man went to the window, called from the window to the negroes, who were committing great excesses, breaking open the logie, and drinking the wine, ‘Make haste away to the post; you are losing time.’ After he gave that order, he gave no reply to my entreaties, but ran down stairs to accompany them. All this time I held Joseph by the arm, whilst they were retreating down the side line, they having only left a guard; Rodney, of Bachelor’s Adventure, was the one. I still persuaded him to take me to Mr. Walrand; he said it was more than his head was worth, without leave from the guard: he then went away and brought one of the guards: I said I would run to him at all events; the guard, Rodney, came into the house and accompanied me down stairs, then gave me leave to go; and in my way down stairs I saw Mr. Tucker’s body; they had rifled his person of his watch, and every thing on him, except his clothes; and after recovering from the shock of the first sight of it, I thought it might make some impression on their minds to speak to them of the crime, and see whether religion had any government of their motions.”—This passage appears to me to show the danger of trusting to the effects of religious instruction for its influence over the conduct of slaves in insurrection; it shews the shocking degree of barbarity which ensues when the passions of men are excited in consequence of their sudden freedom from restraint, and of a discontinuance of their usual habits of obedience.—She goes on: “Rodney said they had not murdered him; he had cut his own throat. Joseph was still with me; said, ‘Don’t say so,’ and stooped, untied his cravat, opened his shirt-collar to shew him his throat was not cut, and said, ‘Don’t you see that throat is not cut? he is shot in the body.’ I said, ‘You will then say that I shot myself; here is blood on my hands and all over me; here is my gown all over with it.’ (They had previously told me their freedom had come out, and they had great friends at home).”—Here I would remark, that the circumstance of this misapprehension of the nature of the benefits intended to be conferred upon them, affords no justification or palliation whatever of the conduct of the slaves; but if this insurrection of these slaves attending Bethel chapel arose solely from the circumstance of the resolutions of the House of Com-

mons having been known to have passed, how came it that all the rest of the 70,000 slaves in the colony, who were in a situation precisely to be acted on by the same feelings, who were equally interested in the subject; how happened it that they were not equally dissatisfied with the delay of this communication, that they did not join in this conspiracy, that they were not equally excited to these cruelties and atrocities? I answer, Sir, the movement did not arise from the operation of a general feeling, but from a particular local cause; and to that it is mainly to be attributed.—Mrs. Walrand proceeds: “I told them I would send my gown home and let them see what savages they were to fire on, a defenceless lady, who attended them in sickness. I begged Joseph, and all our negroes, to testify if those who had been poorly, had not drunk the chocolate out of my own cup. Joseph said it was all true; and not one of our negroes would injure me, he was sure. Rodney said, there was no occasion to talk any more; and took me by the arm over to the sick-house, and into the room were Mr. Forbes, who was badly wounded, was lying on the hard floor, and Mr. Walrand was there: neither was in the stocks at that time. After speaking to Mr. Walrand, I went to Mr. Forbes; he was a Scotchman, overseer of the estate; and he said ‘What a scene is this for you, madam!’ His blood had covered the floor in great quantities: I asked him to have his wounds dressed; he replied to me, ‘No, he would rather die; they have taken all my clothes, and all the little money that I had been toiling for; and this is now no country for a poor man to get his living in.’ He asked me if there was no hope of relief: ‘if this act passes unpunished, what have we to expect?’ I lie here murdered by the hands of those wretches; our Prince gave me a blow in my head,’ where there was a cut across his neck, which Mr. Walrand saw. He said, ‘I wish Wilberforce was here in this room, just to look on me; for we may thank him and them for all that has happened, that the same might be dealt to him by some hand.’—[Mr. Wilmot Horton did not wish to have read this last passage, but the House called upon him to go on with it.]

I would not have the House suppose that I read this passage for the purpose of exciting any sympathy of feeling; but, however these expressions may be, to be

regretted, still some apology is to be made for the language of a man expiring in the last painful agonies of death, and asserting his intimate conviction of the cause which had occasioned it. It shews, at least, what impressions can be produced upon the minds of persons who are heated by strong feeling on those subjects in which this question is involved. This will shew, at least, the danger of working upon the feelings and passions of men who are susceptible of excitement to the highest degree, and will shew the necessity of checking any dangerous exercise of enthusiasm. Those who act under its influence, and are determined to go beyond the bounds which reason, and the common course of nature, prescribe to human actions, must be taught to repress their enthusiastic feelings; and if you have missionaries like Mr. Smith, who entertain opinions, that negro slavery cannot be improved, that there is an end of all rational probability of improving the condition of the slaves, and that it is an evil which must suddenly be got rid of, it is not less our duty than our policy to prevent the evils which such a habit of thinking is calculated to produce. I also contend, that this great object, to which the legislature of this country are solemnly pledged, on the subject of the ultimate Abolition of Slavery, and which will require a long lapse of time to effect, will be inevitably frustrated, unless you can induce the masters and the possessors of slaves to concur with you in the measures necessary for its accomplishment. Therefore, if it be imagined that there is one common ground of complaint against all missionaries, because this court-martial has sat in judgment upon the missionary Smith; if all missionaries conceive themselves to be attacked; it is an error into which they have fallen, more to be deprecated than any other circumstance. No word has dropped from any hon. member of this House, to warrant such an inference; no one would be capable of uttering it; for if the instructions of the London Missionary Society are read with attention, it will be impossible to imagine directions more prudent or more satisfactory. Any missionaries who acted literally under such instructions, must undoubtedly prove advantageous to any colony. I call on every gentleman in the House to answer, when he reads these instructions, and compares them with Mr. Smith's conduct, whether he thinks

that they were fulfilled by Mr. Smith. These instructions were of the most salutary nature; better could not have been devised; more proper instructions could not have been wished: but Mr. Smith is held up by his partizans, not only as a man of innocent intentions (which we are not discussing), but of exemplary prudence and discretion; and these are considerations well worth the attention of those persons who are connected with other missionary societies when they are called upon to make a common cause with this individual, who, whatever may be his guilt or innocence, had not the good fortune to possess that prudence and temperance of feeling, without which the labours of a missionary must not only be fruitless but dangerous.

Mrs. Walrand proceeds: "He (Mr. Forbes) said, how he envied Mr. Tucker his immediate death; and seemed in the most excruciating agony, but perfectly in his senses. I entreated the guard, in the name of every principle of humanity, just to let me send to Golden Grove, the next estate, to Dr. Goldie; I tried to get them to look at the dying, bleeding man, hoping the sight of his misery would move their compassion. Each of the guards, at different times, Murphy, Rodney, and others, refused. The man died at half past twelve that night. In the course of the forenoon of Tuesday, Murphy (the man since executed) came into the gallery of the sick-house, and was examining the house. I asked what was the meaning of all they had done, and what they wanted. He said, their freedom; the king had sent it out, and their owners would not give it. I asked, 'Who told you so?' he said, 'parson Smith preached it every Sunday.' I gave him my word most solemnly that I knew nothing of it; at least our negroes had received no such freedom. They seemed to think I was deceiving them. He said, parson Smith was put in the stocks also. They said, 'The negroes no want to put him in, but parson Smith said, they must put him in, if they put other whites in, for copy of countenance.'"

Whatever may be the credit attached to this latter testimony, I quote it to shew the crimes that result from transactions such as these, and the dangers to the white population. Mr. Smith held in his hands the destinies of this colony, and might have prevented these scenes by communicating his information to the

proper authorities; and he might have done so without producing mischief to any individual. If Mr. Smith had been afraid; if he had felt, that, as the spiritual master and director of these slaves, as their confidant and friend, he was unwilling to state any thing that would tend to criminate them, still he might have made all necessary communications without any such consequences; he might have said, "there is some misunderstanding among the negroes, who have heard that the promise of some indefinite good has come out, which has been misapprehended from not having been properly explained; I think that this may lead to disturbances which, when once commenced, it may be difficult or impossible to check: you cannot do better than to have your police out, to be on your guard, and to watch the motions of the negroes." He does nothing of this kind. If he had reasoned and acted thus, he would essentially have done his duty. It would not be necessary that a man should have a tithe of the ingenuity which Mr. Smith possessed, to have directed him how he should do all this; to have enabled him to hit upon some mode by which he might have acquitted himself, consistently with his own sense of friendship for the negroes, and with his duty to the government. While the House is directing its attention to the circumstances of Mr. Smith, let it reflect on the crimes that I have been describing, and which were the consequences of that insurrection which he might have prevented. I should like to know where the casuist is, who, listening to this individual instance which I have read, which appears to have been most atrocious, can justify it, or can tell you, when once you let in the principle of insurrection, where its effects and its desolation will stop. To whom is it owing, if in the present instance it proceeded no further? To the exertions of those honourable officers who are now sought to be criminated by the hon. and learned gentleman; whom he holds up as persons who have forfeited every principle of honour, and whom he represents as hostile to the abolition of slavery. But, can you suppose that the officers of this court-martial, utterly unconnected with the colony, were actuated by such base and unworthy motives? Can you suppose that such men as colonel Goodman and Mr. President Wray, though connected with the colony, should have acted upon such principles? What ob-

ject could they expect to gain by such a dereliction of their plain duty? If it could be shewn that they were actuated by unworthy motives, the feelings of the country might justifiably be roused; but I assert, that the public are as yet utterly unacquainted with the details of this subject. I feel satisfied that the House will consider Mr. Smith, not as a pattern of prudence, but as a man guilty of the grossest imprudence; though, as to the criminality or innocence of his motives, that is a question between his Creator and himself, and, as far as human judgment is concerned, there will be a difference of opinion upon it to the end of the world. For myself, I must think him an enthusiast; I must think that he entertained notions of an extravagant and irrational nature, incompatible with the well-being of society, or at least of that society in which he lived. He appears to me to have believed that there were cases where the end justified the means; that passive knowledge was not actual guilt: and, whatever may have been his intentions, I do not see why he is not to be treated as guilty, when we find that all the attributes of guilt belong to him. As to the question of bringing him before a court-martial, I think there could have been no other intention than to do justice. Then, as to the character of the proceedings, I think I am justified in saying, that nobody will maintain, that the same nicety of evidence is to be required in a court-martial as is required in a trial at common law*. Under all the circumstances of the case, therefore, there appears to be no reason for suspecting any intended injustice towards Mr. Smith.

Now, Sir, before I sit down, I feel it my duty to allude once more to the petition which was presented by the hon. and learned member for Knaresborough. The petition states, that the cause of this insurrection was in no degree connected with the conduct of Mr. Smith himself, or of the slaves under his immediate

jurisdiction; but was the result of an opposition to the moral and religious instruction of the slaves on the part of his persecutors, and the cruelty of the masters towards the slaves. I challenge the hon. gentleman, or any other person to shew that the slaves were influenced by ill-treatment. It so happened (and I beg the attention of the House to this), that the principle leaders in this insurrection were high in the confidence of their masters; they were trusted, they were well fed, they were well paid, and (if I may be allowed the expression) they were in comparative circumstances of affluence and prosperity. The petition states, that "capricious interruptions and impediments were thrown in the way of their religious duties," and that "a long and inexplicable delay in promulgating the directions transmitted from his majesty's government favourable to the negro population, that were known among them to have arrived, were causes sufficient to have accounted for the effect." That statement is positively inaccurate. There may have been interruptions; but to what do they amount? Particular parties may have been wronged; but it forms no ground work for the transactions which ensued. With respect to the delay in promulgating the intentions of government, whether that was or was not prudent, I do not pause to argue; but still I think it is no cause sufficient to account for the effect. If it had been so, it would have operated as much in the other districts of this colony, as well as in other parts of the West Indies, which were placed precisely under the same circumstances. I have already shewn, that the assertion that this "bloodless insurrection," as it has been called, had been productive of no loss of property or lives, is inaccurate. The petitioners then set forth, that the particular circumstances connected with Demerara have rendered the duties of missionaries there particularly arduous and perplexing, and have occasioned difficulties which no other West-India colony presents in an equal degree. This statement I believe to be exaggerated; but, at least, it does not affect the present question. I do not imagine that any missionary can go out without expecting that he is going on a severe and difficult service; that he will have much to endure, and much to bear, and to forbear; but even if he does meet with scandalous

* "That all common-law courts ought to proceed on a general rule, namely, the best evidence that the nature of the case will admit, I perfectly agree. But that all other courts are in all cases to adopt all the distinctions that have been established and adopted in courts of common-law, is rather a larger proposition than I choose directly to assent to."—Lord Loughborough, in *Grant v. Gould*.

conduct, that does not justify him in taking measures of reprisals on the whole population of the colony. Why not disclose to the government any acts that might warrant a suspicion of an existing intention on the part of the negro population to revolt?

It is stated, that Mr. Smith was put in close confinement; and the hon. and learned member has descanted on the horrors of that imprisonment. It does not, however, appear that he had to endure any unnecessary severity; and the complaint of his imprisonment would at least have equally applied if he had been imprisoned under a civil process, and not in pursuance of the sentence of a court-martial. There were circumstances which rendered it impossible that he could be imprisoned elsewhere. I cannot believe that it was the intention of the parties under whose authority that imprisonment took place, that it should be more severe than was necessary. I do think that all those points are crowded together in the petition by way of aggravation, and to excite the feelings of the country; but before blame is imputed, I think the proofs ought to be satisfactorily established. Then it is stated that he had not the assistance of an advocate. The fact is otherwise; he had the assistance of an advocate, as far as he could be useful to him for all necessary purposes. As to the receiving hearsay evidence against him and not for him, I am satisfied that it is an inaccuracy, and that the court-martial did not do what they are stated to have done. It seems impossible that such a man as the honourable president of this court-martial can ever have said, or suffered it to be said. "After admitting hearsay evidence for the prosecution, we will not now hear any more;" that declaration being made, too, after the commencement of the defence, with a view to deprive Mr. Smith of the benefit of similar evidence. I am satisfied that this could not have been said, without some qualification which deprives it of its injustice; and I hope the House will not feel itself bound to agree with the hon. and learned gentleman's motion, made on the faith of this publication, proceeding from a society, however respectable, but not from official documents upon which this House has to act.

The petition states, that the influence of the doctrine promulgated by Mr. Smith was visible in the manner of conducting

the insurrection, and by the absence of outrage by which it was marked; that more mildness was manifested during this commotion by the parties than is usual on such occasions. I ask the House, How can any man, who has read the declaration on oath of Mrs. Walrand, agree with these petitioners, that the happy influence of Christian instruction, with its mild and benignant spirit, was visible throughout those proceedings? The whole country has been told that this was an insurrection attended by no violence. I deny it altogether. I would refer to the evidence of Mrs. Walrand, and ask, if there was not unnecessary cruelty. Was it necessary, for any useful object, that Mrs. Walrand should herself be shot at? It is true, that she received the balls only in her arm, but they might have reached her heart. Surely there never was a case of insurrection more distinguished, in some of its incidents, than this was by features of outrage. While such aggravation of some facts and mitigation of others have been put forth, can it be wondered at that petitions on this subject should have deluged the table? and will you be surprised that they should be continued, until the public are satisfied of the exaggeration of the statements which have gone forth? The petitioners say, that "it was on Mr. Smith, an innocent and unprotected victim, that they (the colonists) chiefly poured the torrent of their wrath. I say, that it was not on Mr. Smith as an innocent and unprotected victim; but on Mr. Smith whom they believed to be the person who might have prevented their distress, and whom they believed to be cognisant of, and connivant at, the conspiracy, and who, though he did not criminally encourage it, might at least have prevented it. I cannot think, under these circumstances, that he is fairly to be characterised as an innocent and unprotected victim.—The petitioners state, also, that "all the legal opinions they have obtained, and all the information they have collected, tend to confirm their belief; not only of the legal, but perfect moral, innocence of Mr. Smith." As to what opinion he had formed in his own conscience of his own moral accountability, of his notions of right or wrong, it is not for us to judge; but if a man suffers himself to believe that he can, with a false confidence on his own judgment, act in a manner not sanctioned by law—not only incompatible with the good of society,

but which must lead to the destruction of it—we are justified in characterizing him as a criminal, though his own interpretation of his duty may absolve him from guilt. It is a necessity arising out of the imperfection of human nature, that we are compelled to look at the actions of men as indicative of their intentions; and looking at those acts of Mr. Smith, whatever may have been his misapprehension of his duty, I cannot but consider him as guilty.

I have endeavoured, Sir, to establish that the statements in the petition are inaccurate; and that this petition is to be considered as the parent of all the other petitions. On the faith that this petition has represented facts as they occur, there has been an universal disposition, on the part of those who are interested in missions generally, to present these petitions to the House. But I contend, that it will be most unfortunate for the cause of missions and of missionaries, if it is to be laid down, that the conduct of Mr. Smith is to be considered as a model by those who are destined to the performance of the same duties with himself; and whatever may be the opinion of the petitioners of Mr. Smith's innocence, they would, in my opinion, have acted with more discretion, if they had allowed that his conduct in some instances had all the characteristics of guilt belonging to it. I assert, that no man could be guilty of misprision of treason, without involving a doubt of his criminality. A man may have an innocent intention, and yet do that which is criminal; the moral character of the crime may unquestionably be affected by the circumstances that attend it. It is not for me to lay down law; that must be read in the authorities that are to be found on the subject, or explained by honourable members who are more competent to the task; but Mr. Smith does unequivocally appear to me, to have been guilty of misprision of treason; and his letter completely establishes the fact.—With respect to the mode of his trial, it was necessarily under the operation of martial law. I have shewn that martial law was proclaimed, not for the purpose of injuring or oppressing Mr. Smith, but in strict compliance with the wishes of the inhabitants of the whole colony. The hon. and learned gentleman has allowed that the wishes of a whole community are always to be considered as the sanction of any measure. I have shewn, that the whole community were in favour

of the continuance of martial law, so satisfied were they of its necessity; and therefore, upon the principle of the hon. and learned gentleman himself, the authorities were justified in continuing it. Under these circumstances, I cannot "contemplate with serious alarm, and deep sorrow, the violation of justice" in the proceedings against Mr. Smith. It appears to me, that the case of Mr. Smith, under the suspicions which attach to him, and on the evidence adduced against him, was one that required justice to be put in action; and that justice in intention, and in substance, has been carried into effect. It has been argued, that the judge-advocate had mistaken his duty, when he summed up the evidence rather in the character of a counsel against the prisoner, than as an assessor to hold the balance between him and the court; but that argument, if it be tenable, as founded on precedent, cannot destroy or affect the weight of evidence itself, on which the members of the court must be presumed to have formed their opinion.

Looking, then, at the whole of this subject, the question is, Was it intended that substantial justice should be done to Mr. Smith, and has substantial justice been done to him? And, under the circumstances of difficulty and danger in which this colony was placed; under the circumstances of its relative population, with its absence of means of military resistance; can it be said, that the measures to which the authorities were compelled to resort were such as deserved the stigma which is attached to them by the resolution of the hon. and learned gentleman?—As to the concluding part of the resolution, "for securing such a just and humane administration of law," &c.; that is a proposition, in the abstract, to which no one could object. At present, the Dutch law is in the progress of alteration in Demerara, for the purpose of having another and a better system substituted for it. I see no reason, therefore, for the House coming to the resolution which has been proposed. I have felt it to be important for me, in the discharge of my public duty, to express my opinion. It is the wish of government that the affair should be impartially heard and investigated, on such evidence as the House is in the possession of. There are others who are more capable of doing justice to the subject; but for myself, I must dissent from the proposition of the hon. and

learned gentleman; and I trust that he will not be able to prevail on the House to concur with him in his motion, and by their vote to sanction the resolution which he has brought forward.

Sir James Mackintosh said:—

Mr. Speaker; even if I had not been loudly called upon, and directly challenged by the honourable gentleman—even if his accusations, now repeated after full consideration, did not make it my duty to vindicate the petition, which I had the honour to present, from unjust reproach—I own that I should have been anxious to address the House on this occasion; not to strengthen a case already invincible, but to bear my solemn testimony against the most unjust and cruel abuse of power, under a false pretence of law, that has in our times dishonoured any portion of the British empire. I am sorry that the hon. gentleman, after so long an interval for reflection, should have this night repeated those charges against the London Missionary Society, which, when he first made them, I thought rash, and which I am now entitled to treat as utterly groundless. I should regret to be detained by them for a moment, from the great question of humanity, of justice, before us, if I did not feel that they excite a prejudice against the case of Mr. Smith, and that the short discussion sufficient to put them aside leads directly to the vindication of the memory of that oppressed man.

The hon. gentleman calls the London Missionary Society bad philosophers; by which I presume he means bad reasoners, because they ascribe the insurrection partly “to the long and inexplicable delay of the government of Demerara to promulgate the instructions favourable to the slave population,” and because he, adopting one of the arguments of that speech by which the deputy judge-advocate disgraced his office, contends, that a partial revolt cannot have arisen from a general cause of discontent—a position belied by the whole course of history, and which is founded upon the absurd assumption, that one part of a people, from circumstances sometimes easy, sometimes very hard, to be discovered, may not be more provoked than others by the grievance common to all. So inconsistent, indeed, is the defence of the rulers of Demerara with itself, that in another part of the case they represent a project for an universal insurrection as having been formed, and ascribe its being in fact confined to the east coast to unac-

countable accidents. Paris, the ringleader, in what is called his confession, says, “The whole colony was to have risen on Monday, and I cannot account for the reasons why only the east coast rose at the time appointed.” [Demerara Papers, No. II. p. 21.] So that, according to this part of their own evidence, they must abandon their argument, and own the discontent to have been as general as the grievance.

Another argument against the Society’s petition is transplanted from the same nursery of weeds. It is said, that cruelty cannot have contributed to this insurrection, because the leaders of the revolt were persons little likely to have been cruelly used, being among the most trusted of the slaves. Those who employ so gross a fallacy must be content to be called worse reasoners than the London Missionary Society. It is, indeed, one of the usual common-places in all cases of discontent and tumult, but it is one of the most futile. The moving cause of most insurrections, and in the opinion of two great men (Sully and Burke) of all, is, the distress of the great body of insurgents: but the ringleaders are generally, and almost necessarily, individuals who being more highly endowed, or more happily situated, are raised above the distress which is suffered by those of whom they take the command.

But, the hon. gentleman’s principal charge against the petition is the allegation contained in it, that “the life of no white man was voluntarily taken away by the slaves.” When I heard the confidence with which a confutation of this averment was announced, I own I trembled for the accuracy of the petition. But, what was my astonishment when I heard the attempt at confutation made? In the Demerara papers No. II. there is an ample and elaborate narrative of an attack on the house of a Mrs. Walrand, by the insurgents, made by that lady, or for her—a caution in statement which the subsequent parts of these proceedings prove to be necessary in Demerara. The hon. gentleman has read the narrative, to show that two lives were unhappily lost in this skirmish; and this the hon. gentleman seriously quotes as proving the inaccuracy of the petition. Does he believe, can he hope to persuade the House, that the petitioners meant to say that there was an insurrection without fighting, or skirmishes without death? The attack and defences

of houses and posts are a necessary part of all revolts, and deaths are the natural consequences of that, as well as of every species of warfare. The revolt in this case was, doubtless an offence; the attack on the house was a part of that offence; the defence was brave and praiseworthy; the loss of lives is deeply to be deplored, but it was inseparable from all such unhappy scenes: it could not be "the voluntary killing" intended to be denied in the petition. The governor of Demerara, in a despatch to lord Bathurst, makes the same statement with the petition: "I have not," he says, "heard of one white who was deliberately murdered." Yet he was perfectly aware of the fact which has been so triumphantly displayed to the House. "At plantation Nabacis, where the whites were on their guard, two out of three were killed in the defence of their habitation." The defence was legitimate, and the deaths lamentable. But, as the governor distinguishes them from murder so do the society. They deny that there was any killing in cold blood. They did not mean to deny, any more than to affirm (for the papers which mention the fact were printed since their petition), that there was killing in battle, when each party were openly struggling to destroy their antagonists, and to preserve themselves. The society only denies that this insurrection was dishonoured by those murders of the unoffending or of the vanquished, which too frequently attend the revolts of slaves. The governor of Demerara agrees with them; the whole facts of the case support them; and the quotation of the hon. gentleman leaves their denial untouched. The revolt was absolutely unstained by excess. The killing of whites, even in action, was so small, as not to appear in the trial of Mr. Smith, or in the first accounts laid before us. I will not stop to inquire whether killing in action may not, in a strictly philosophical sense, be called "voluntary." It is enough for me, that no man will call it calm, needless, or deliberate. This is quite sufficient to justify even the words of the petition. The substance of it is now more than abundantly justified by the general spirit of humanity which pervaded the unhappy insurgents, by the unparalleled forbearance and moderation which characterized the insurrection. On this part of the subject, so important to the general question, as well as to the character of the petition for accuracy; the mis-

sionary society appeal to the highest authority, that of the rev. Mr. Austin—not a missionary, or a methodist, but the chaplain of the colony, a minister of the church of England; who has done honour even to that church, so illustrious by the genius and learning and virtue of many of her clergy, by his christian charity, by his inflexible principles of justice, by his intrepid defence of innocence against all the power of a government, and against the still more formidable prejudices of an alarmed and incensed community. No man ever did himself more honour by the admirable combination of strength of character with sense of duty; which needed nothing but a larger and more elevated theatre to place him among those who will be in all ages regarded by mankind as models for imitation, and objects of reverence. That excellent person—speaking of Mr. Smith, a person with whom he was previously unacquainted, a minister of a different persuasion, a missionary, considered by many of the established clergy as a rival if not an enemy, a man then odious to the body of the colonists, whose goodwill must have been so important to Mr. Austin's comfort—after declaring his conviction of the perfect innocence and extraordinary merit of the persecuted missionary, proceeds to bear testimony to the moderation of the insurgents, and to the beneficent influence of Mr. Smith in producing that moderation, in language far warmer and bolder than that of the petitioners. "I feel no hesitation in declaring," says he, "from the intimate knowledge which my most anxious inquiries have obtained, that in the late scourge, which the hand of an All-wise Creator has inflicted on this ill-fated country, nothing but those religious impressions which, under Providence, Mr. Smith has been instrumental in fixing; nothing but those principles of the gospel of peace, which he had been proclaiming; could have prevented a dreadful effusion of blood here, and saved the lives of those very persons who are now, I shudder to write it, seeking his life!"

And here I beg the House to weigh this testimony. It is not only valuable from the integrity, impartiality, and understanding of the witness, but from his opportunities of acquiring that "intimate knowledge" of facts on which he rests his opinion. He was a member of the Secret Commission of Inquiry established on this occasion, which was armed with

all the authority of government, and which received much evidence, relating to this insurrection, not produced on the trial of Mr. Smith. And this circumstance immediately brings me to the consideration of the hearsay evidence illegally received against Mr. Smith. I do not merely, or chiefly, object to it on grounds purely technical, or as being inadmissible by the law of England. I abstain from taking any part in the discussion of lawyers or philosophers, with respect to the wisdom of our rules of evidence: though I think that there is to be said more for them than the ingenious objectors are aware of. What I complain of is, the admission of hearsay of the vaguest sort, under circumstances where such an admission was utterly abominable. In what I am about to say, I shall not quote from the Society's edition of the trial, but from that which is officially before the House; so that I may lay aside all that has been said on the superior authority of the latter. Mr. Austin, when examined in chief, stated, that, though originally prepossessed against Mr. Smith, yet, in the course of numerous inquiries, he could not see any circumstance which led to a belief that Mr. Smith had been, in any degree, instrumental in the insurrection; and that, on the contrary, when he (Mr. Austin) said to the slaves that bloodshed had not marked the progress of their insurrection, their answer was, "It is contrary to the religion we profess" (which had been taught to them by Mr. Smith): "we cannot give life, and therefore we will not take it." This evidence of the innocence of Mr. Smith, and of the humanity of the slaves, appears to have alarmed the impartial judge-advocate; and he proceeded, in his cross-examination, to ask Mr. Austin whether any of the negroes had ever insinuated that their misfortunes were occasioned by the prisoner's influence over them, or by the doctrines he taught them. Mr. Austin, understanding this question to refer to what passed before the committee, appears to have respectfully hesitated about the propriety of disclosing these proceedings; upon which the court, in a tone of discourtesy and displeasure, which a reputable advocate for a prisoner would not have used towards such a witness in this country, addressed the following illegal and indecent question to Mr. Austin: "Can you take it upon yourself to swear that you do not recollect any insinuations of that sort at the Board of Evidence?"

How that question came to be waved does not appear in the official copy. It is almost certain, however, from the purport of the next question, that the Society's Report is correct in supplying this defect; that Mr. Austin still doubted its substantial propriety, and continued to resent its insolent form. He was actually asked, "whether he *heard*, before the Board of Evidence, any negro imputing the cause of the revolt to the prisoner?" He answered "Yes," and the inquiry is pursued no further. I again request the House to bear in mind, that this question and answer rest on the authority of the official copy; and I repeat, that I disdain to press the legal objection of hearsay, and to contend, that to put such a question, and receive such an answer, were acts of mere usurpation in any English tribunal. Much higher matter arises on this part of the evidence. Fortunately for the interest of truth, we are now in possession of the testimony of the negroes before the Board of Inquiry, which is adverted to in this question, and which, be it observed, was wholly unknown to the unfortunate Mr. Smith. We naturally ask, why these negroes themselves were not produced as witnesses, if they were alive; or, if they were executed, how it happened that none of the men who gave such important evidence before the Board of Inquiry, were preserved to bear testimony against him before the court-martial? Why were they content with the much weaker evidence actually produced? Why were they driven to the necessity of illegally obtaining, through Mr. Austin, what they might have obtained from his informants? The reason is plain: they disbelieved the evidence of the negroes who threw out "the insinuations," or "imputations." That might have been nothing: but they knew that all mankind would have rejected that pretended evidence with horror. They knew that the negroes, to whom their question adverted, had told a tale to the Board of Evidence, in comparison with which the story of Titus Oates was a model of probability, candour, and truth. One of them (Sandy) said, that Mr. Smith told him, though not a member of his congregation, nor even a christian, "that a good thing was come for the negroes; and that if they did not seek for it now, the whites would trample upon them, and upon their sons and daughters to eternity." [Demerara Papers, No II. p. 26.] Another (Paris)

says, "that all the male whites (except the doctors and missionaries) were to be murdered, and all the females distributed among the insurgents; that one of their leaders was to be a king, another to be a governor, and Mr. Smith to be emperor" [id. p. 30];—that on Sunday, the 17th of August, Mr. Smith administered the sacrament to several leading negroes and to Mr. Hamilton, the European overseer of the estate *Le Resouvenir*; that he swore the former on the bible to do him no harm when they had conquered the country, and afterwards blessed their revolt, saying, "Go: as you have begun in Christ, you must end in Christ!" [id. p. 41.] All this the prosecutor concealed, with the knowledge of the court. While they asked whether Mr. Austin had heard statements made against Mr. Smith before the Board of Evidence, they studiously conceal all those incredible, monstrous, impossible, fictions which accompanied these statements, and which would have annihilated their credit. Whether the question was intended to discredit Mr. Austin or to prejudice Mr. Smith, it was, in either case, an atrocious attempt to take advantage of the stories told by the negroes, and, at the same time, to screen them from scrutiny, contradiction, disbelief, and abhorrence. If these men could have been believed, would they not have been produced on the trial? Paris, indeed, the author of this horrible fabrication, charges Bristol, Manuel, and Azor, three of the witnesses afterwards examined on the trial of Mr. Smith, as having been parties to the dire and execrable oath: not one of them alludes to such horrors: all virtually contradict them. Yet this court-martial sought to injure Mr. Austin, or to contribute to the destruction of Mr. Smith, by receiving as evidence a general statement of what was said by those whom they could not believe, whom they durst not produce, and who were contradicted by their own principal witnesses; who, if their whole tale had been brought into view, would have been driven out of any court with shouts of execration.

I cannot yet leave this part of the subject. It deeply affects the character of the whole transaction. It shews the general terror, which was so powerful as to stimulate the slaves to the invention of such monstrous falsehoods. It throws light on that species of skill with which the prosecutors kept back the absolutely incredible witnesses, and brought forward

only those who were discreet enough to tell a more plausible story; and on the effect which the circulation of the fictions, which were too absurd to be avowed, must have had in exciting the body of the colonists to the most relentless animosity against the unfortunate Mr. Smith. It teaches us to view with the utmost jealousy the more guarded testimony actually produced against him, which could not be exempt from the influence of the same fears and prejudices. It authorizes me to lay a much more than ordinary stress on every defect of the evidence, because, in such circumstances, I am warranted in affirming that whatever was not proved, could not have been proved.

But, in answer to all this, we are asked by the hon. gentleman, "Would President Wray have been a party to the admission of improper evidence?" Now, Sir, I wish to say nothing disrespectful of Mr. Wray; and the rather because he is well spoken of by those whose good opinion is to be respected. We do not know that he may not have dissented from every act of this court-martial. I should heartily rejoice to hear that it was so: but I am aware we can never know whether he did or not. The hon. gentleman unwarily asks, "Would not Mr. Wray have publicly protested against illegal questions?" Does he not know, or has he forgotten, that every member of a court-martial is bound by oath not to disclose its proceedings? But really, Sir, I must say, that the character of no man can avail against facts. "*Tolle e causâ nomen Catonis.*" Let character protect accused men where there is any defect in the evidence of their guilt. Let it continue to yield to them that protection which Mr. Smith, in his hour of danger, did not receive from the tenor of his blameless and virtuous life. Let it be used for mercy, not for severity. Let it never be allowed to aid a prosecutor, or to strengthen the case of an accuser. Let it be a shield to cover the accused; but let it never be converted into a dagger by which he is to be stabbed to the heart. Above all, let it not be used to destroy his good name, after his life has been taken away.

The question is, as has been stated by the hon. gentleman, whether, on a review of the whole evidence, Mr. Smith can be pronounced to be guilty of the crimes charged against him, and for which he was condemned to death. That is the fact on which issue is to be joined. In

trying it, I can lay my hand on my heart and solemnly declare, upon my honour, or whatever more sacred sanction there be, that I believe him to have been an innocent and virtuous man; illegally tried, unjustly condemned to death, and treated in a manner which would be disgraceful to a civilized government in the case of the worst criminal. I heartily rejoice that the hon. gentleman has been manly enough directly to dissent from my hon. friend's motion; that the case is to be fairly brought to a decision; and that no attempt is to be made to evade a determination, by moving the previous question. That, of all modes of proceeding, I should most lament. Some may think Mr. Smith guilty: others will agree with me in thinking him innocent: but no one can doubt that it would be dishonourable to the grand jury of the empire, to declare that they will not decide, when a grave case is brought before them, whether a British subject has been lawfully or unlawfully condemned to death. We still observe that usage of our forefathers, according to which the House of Commons, at the commencement of every session of parliament, nominates a grand committee of justice; and if in ordinary cases other modes of proceeding have been substituted in practice for this ancient institution, we may at least respect it as a remembrancer of our duty, which points out one of the chief objects of the original establishment. All evasion is here refusal; and a denial of justice in parliament, more especially in an inquest for blood, would be a fatal and irreparable breach in the English constitution.

The question before us resolves itself into several questions, relating to every branch and stage of the proceedings against Mr. Smith:—Whether the court-martial had jurisdiction; whether the evidence against him was warranted by law, or sufficient in fact; whether the sentence was just, or the punishment legal? These questions are so extensive and important, that I cannot help wishing they had not been still further enlarged and embroiled by the introduction of matter wholly impertinent to any of them. To what purpose as the hon. gentleman so often told us, that Mr. Smith was an enthusiast? It would have been well if he had given us some explanation of the sense in which he uses so vague a term. If he meant by it to denote the prevalence of those disorderly passions which, what-

ever be their source or their object, always disturb the understanding, and often pervert the moral sentiments; we have clear proof that it did not exist in Mr. Smith so far as to produce the first of these unfortunate effects; and it is begging the whole question in dispute, to assert that it manifested itself in him by the second and still more fatal symptom. There is, indeed, another temper of mind called enthusiasm, which though rejecting the authority neither of reason nor of virtue, triumphs over all the vulgar infirmities of men, contemns their ordinary pursuits, braves danger, and despises obloquy; which is the parent of heroic acts and apostolical sacrifices; which devotes the ease, the pleasure, the interest, the ambition, the life of the generous enthusiast, to the service of his fellow-men. If Mr. Smith had not been supported by an ardent zeal for the cause of God and man, he would have been ill qualified for a task so surrounded by disgust, by calumny, by peril, as that of attempting to pour instruction into the minds of unhappy slaves. Much of this excellent quality was doubtless necessary for so long enduring the climate and the government of Demerara. I am sorry that the hon. gentleman should have deigned to notice any part of the impertinent absurdities with which the court have suffered their minutes to be encumbered, and which have no more to do with this insurrection than with the Popish plot. What is it to us that a misunderstanding occurred three or four years ago between Mr. Smith and a person called Captain or Doctor Mac Turk, whom he had the misfortune to have for a neighbour—a misunderstanding long antecedent to this revolt, and utterly unconnected with any part of it? It was inadmissible evidence; and if it had been otherwise, it proved nothing, but the character of the witness—of the generous Mac Turk; who, having had a trifling difference with his neighbour five years ago, called it to mind at the moment when that neighbour's life was in danger. Such is the chivalrous magnanimity of Dr. Mac Turk. If I were infected by classical superstition, I should forbid such a man to embark in the same vessel with me. I leave him to those from whom, if we may trust his name or his manners, he may be descended; and I cannot help thinking that he deserves, as well as they, to be excluded from the territory of Christians.

I very sincerely regret that the hon. gentleman, by quotations from Mr. Smith's manuscript journal, should appear to give any countenance or sanction to the detestable violation of all law, humanity, and decency, by which that manuscript was produced in evidence against the writer. I am sure, that, when his official zeal has somewhat subsided, he will himself regret that he appealed to such a document. That which is unlawfully obtained, cannot be fairly quoted. The production of a paper in evidence containing general reflections and reasonings, or narratives of fact, not relating to any design, or composed to compass any end, is precisely the iniquity perpetrated by Jeffries in the case of Sidney, which has since been reprobated by all lawyers, and which has been solemnly condemned by the legislature itself. I deny, without fear of contradiction from any one of the learned lawyers who differ from me in this debate, that such a paper has been received in evidence since that abominable trial, by any body of men calling themselves a court of justice. Is there a single line in the extracts produced which could have been written to forward the insurrection? I defy any man to point it out. Could it be admissible evidence on any other ground? I defy any lawyer to maintain it: for if it were to be said that it manifests opinions and feelings favourable to negro insurrection, and which rendered probable the participation of Mr. Smith in this revolt (having first denied the fact), I should point to the statute reversing the attainder of Sidney, against whom the like evidence was produced precisely under the same pretence. Nothing can be more decisive on this point than the authority of a great judge and an excellent writer. "Had the papers found in Sidney's closet," says Mr. Justice Foster, "been plainly relative to the other treasonable practices charged in the indictment, they might have been read in evidence against him, though not published. The papers found on lord Preston were written in prosecution of certain determined purposes which were treasonable, and then (namely at the time of writing) in the contemplation of the offenders." But the iniquity in the case of Sidney vanishes, in comparison with that of this trial. Sidney's manuscript was intended for publication. It could not be said that its tendency, when published, was not to excite dispositions

hostile to the bad government which then existed; it was perhaps, in strictness, indictable as a seditious libel. The journal of Mr. Smith was meant for no human eye: it was seen by none; only extracts of it had been sent to his employers in England, as inoffensive, doubtless, as their excellent instructions required. In the midst of conjugal affection and confidence, it was withheld even from his wife. It consisted of his communings with his own mind, or the breathing of his thoughts towards his Creator; it was neither addressed nor communicated to any created being. That such a journal should have been dragged from its sacred secrecy, is an atrocity (I repeat it) to which I know no parallel in the annals of any court that professed to observe a semblance of justice.

I dwell on this circumstance, because the hon. gentleman, by his quotation, has compelled me to do so, and because the admission of this evidence shews the temper of the court. For I think the extracts produced are, in truth, favourable to Mr. Smith; and I am entitled to presume, that the whole journal, withheld as it is from us, withheld from the colonial office, though circulated through the court to excite West-Indian prejudices against Mr. Smith, would, in the eyes of impartial men, have been still more decisively advantageous to his cause. How, indeed, can I think otherwise? What, in the opinion of the judge-advocate, is the capital crime of this journal? It is, that in it the prisoner "avows he feels an aversion to slavery!!" He was so depraved, as to be an enemy of that admirable institution! He was so lost to all sense of morality, as to be dissatisfied with the perpetual and unlimited subjection of millions of reasonable creatures to the will, and caprice, and passions of other men! This opinion, it is true, Mr. Smith shared with the king, parliament, and people of Great Britain; with all wise and good men in all ages and nations: still, it is stated by the judge-advocate as if it were some immoral paradox, which it required the utmost effrontery to "avow" One of the passages produced in evidence, and therefore thought either to be criminal itself, or a proof of criminal intention, well deserves attention: "While writing this, my very heart flutters at hearing the almost incessant cracking of the whip!" As the date of this part of the journal is the 22nd March, 1819, more than four

years before the insurrection, it cannot be so distorted by human ingenuity as to be brought to bear on the specific charges which the court had to try. What, therefore, is the purpose for which it is produced? They overheard, as it were, a man secretly complaining to himself of the agitation produced in his bodily frame by the horrible noise of a whip constantly resounding on the torn and bloody backs of his fellow creatures. As he does not dare to utter them to any other, they must have been unaffected, undesigned, almost involuntary, ejaculations of feeling. The discovery of them might have recalled unhardened men from practices of which they had thus casually perceived the impression upon an uncorrupted heart. It could hardly have been supposed that the most practised negro-driver could have blamed them more severely than by calling them effusions of weak and womanish feelings. But it seemed good to the prosecutors of Mr. Smith to view these complaints in another light: they regard the "fluttering of his heart at the incessant cracking of the whip" as an overt act of the treason of abhorring slavery. They treat natural compassion, and even its involuntary effects on the bodily frame, as an offence. Such is the system of their society, that they consider every man who feels pity for suffering, or indignation against cruelty, as their irreconcilable enemy. Nay, they receive a secret expression of these feelings as evidence against a man on trial for his life, in what they call a court of justice. My right hon. friend (Mr. Canning) has, on a former occasion, happily characterized the resistance, which has not been obscurely threatened, against all measures for mitigating the evils of slavery, as "a rebellion for the whip." In the present instance, we see how sacred that instrument is held; how the right to use it is prized as one of the dearest of privileges; and in what manner the most private murmur against its severest inflictions is brought forward as a proof, that he who breathes it must be prepared to plunge into violence and blood.

In the same spirit, conversations are given in evidence, long before the revolt, wholly unconnected with it, and held with ignorant men; who might easily misunderstand or misremember them; in which Mr. Smith is supposed to have expressed a general and speculative opinion, that slavery never could be mitigated, and that

it must die a violent death. These opinions the hon. gentleman calls fanatical. Does he think Dr. Johnson a fanatic, or a sectary, or a methodist, or an enemy of established authority? But he must know, from the most amusing of books, that Johnson, when on a visit to Oxford, perhaps when enjoying lettered hospitality at the table of the master of University College,* proposed as a toast "Success to the first revolt of Negroes in the West Indies." He neither meant to make a jest of such matters, nor to express a deliberate wish for an event so full of horror, but merely to express in the strongest manner his honest hatred of slavery; for no man ever more detested actual oppression, though his Tory prejudices hindered him from seeing the value of those liberal institutions which alone secure society from oppression. This justice will be universally done to the aged Moralist, who knew slavery only as a distant evil, whose ears were never wounded by the cracking of the whip. Yet all the casual expressions of the unfortunate Mr. Smith, in the midst of dispute, or when he was fresh from the sight of suffering, rise up against him as legal proof of settled purposes and deliberate designs.

On the legality of the trial, the impregnable speech of my learned friend has left me little, if any thing, to say. The only principle on which the law of England tolerates what is called martial, is necessity: its introduction can be justified only by necessity; its continuance requires precisely the same justification of necessity; and if it survives the necessity on which alone it rests for a single minute, it becomes instantly a mere exercise of lawless violence. When foreign invasion or civil war renders it impossible for courts of law to sit, or to enforce the execution of their judgments, it becomes necessary to find some rude substitute for them, and to employ, for that purpose, the military, which is the only remaining force in the the community. While the laws are silenced by the noise of arms, the rulers of the armed force must punish, as equitably as they can, those crimes which threaten their own safety and that of society: but no longer; every moment beyond, is usurpation: as soon as the laws can act, every other mode of punishing supposed crimes is itself an enormous

* Dr. Wetherell, father of the Solicitor General.

crime. If argument be not enough on this subject; if, indeed, the mere statement be not the evidence of its own truth; I appeal to the highest and most venerable authority known to our law. "Martial law," says sir Matthew Hale, "is not a law, but something indulged, rather than allowed, as a law. The necessity of government, order, and discipline in an army, is that only which can give it countenance. 'Necessitas, enim, quod cogit defendit.' Secondly: this indulged law is only to extend to members of the army, or to those of the opposite army, and never may be so much indulged as to be exercised or executed upon others. Thirdly: the exercise of martial law may not be permitted in time of peace, when the king's courts are" (or may be) "open."* The illustrious judge on this occasion appeals to the Petition of Right, which, fifty years before, had declared all proceedings by martial law, in time of peace, to be illegal. He carries the principle back to the cradle of English liberty, and quotes the famous reversal of the attainder of the earl of Kent, in the first year of Edward the third, as decisive of the principle, that nothing but the necessity arising from the absolute interruption of civil judicatures by arms, can warrant the exercise of what is called martial law. Wherever, and whenever, they are so interrupted, and as long as the interruption continues, necessity justifies it. No other doctrine has ever been maintained in this country, since the solemn parliamentary condemnation of the usurpations of Charles the 1st, which he was himself compelled to sanction in the Petition of Right. In none of the revolutions or rebellions which have since occurred, has martial law been exercised, however much, in some of them, the necessity might seem to exist. Even in those most deplorable of all commotions which tore Ireland in pieces in the last years of the eighteenth century; in the midst of ferocious revolt and cruel punishment; at the very moment of legalising these martial jurisdictions, in 1799, the very Irish statute which was passed for that purpose did homage to the ancient and fundamental principles of the law, in the very act of departing from them. The Irish statute 39 Geo. 3rd, c. 2, after reciting that martial law had been successfully exercised to the restoration of peace so far as to per-

mit the course of the common law partially to take place, but that the rebellion continued to rage in considerable parts of the kingdom, whereby it has become necessary for parliament to interpose, goes on to enable the lord lieutenant "to punish rebels by courts-martial." This statute is the most positive declaration, that, where the common law can be exercised in some parts of the country, martial law cannot be established in others, though rebellion actually prevails in these others, without an extraordinary interposition of the supreme legislative authority itself.

I have already quoted from sir Matthew Hale his position respecting the two-fold operation of martial law, as it affects the army of the power which exercises it, and as it acts against the army of the enemy. That great judge happily unused to standing armies, and reasonably prejudiced against military jurisdiction, does not pursue his distinction through all its consequences, and assigns a ground for the whole which will support only one of its parts. "The necessity of order and discipline in an army" is, according to him, the reason why the law tolerates this departure from its most valuable rules; but this necessity only justifies the exercise of martial law over the army of our own state. One part of it has since been annually taken out of the common law; and provided for by the Mutiny act, which subjects the military offences of soldiers only to punishment by military courts, even in time of peace. Hence we may now be said annually to legalize military law; which, however, differs essentially from martial law, in being confined to offences against military discipline, and in not extending to any persons but those who are members of the army.

Martial law exercised against enemies, or rebels, cannot depend on the same principle; for it is certainly not intended to enforce or preserve discipline among them. It seems to me to be only a more regular and convenient mode of exercising the right to kill in war; a right originating in self-defence, and limited to those cases where such killing is necessary, as the means of insuring that end. Martial law put in force against rebels, can only be excused as a mode of more deliberately and equitably selecting the persons from whom quarter ought to be withheld, in a case where all have forfeited their claim to it. It is nothing more than a sort of

* Hale's Hist. Com. Law, c. 11.

better-regulated decimation, founded upon choice, instead of chance, in order to provide for the safety of the conquerors without the horrors of undistinguished slaughter; it is justifiable only where it is an act of mercy. Thus the matter stands by the law of nations. But by the law of England it cannot be exercised except where the jurisdiction of courts of justice is interrupted by violence. Did this necessity exist at Demerara on the 13th of October, 1823? Was it on that day impossible for the courts of law to try offences? It is clear that, if the case be tried by the law of England, and unless an affirmative answer can be given to these questions of fact, the court-martial had no legal power to try Mr. Smith. Now, Sir, I must in the first place remark, that general Murray has himself expressly waived the plea of necessity, and takes merit to himself for having brought Mr. Smith to trial before a court-martial, as the most probable mode of securing impartial justice—a statement which would be clearly an attempt to obtain commendation under false pretences, if he had no choice, and was compelled by absolute necessity, to recur to martial law. “In bringing *this man* (Mr. Smith) to trial, under present circumstances, I have endeavoured to secure to him the advantage of the most cool and dispassionate consideration, by framing a court entirely of officers of the army, who, having no interest in the country, are without the bias of public opinion, which is at present so violent against Mr. Smith.” [Letter of general Murray to lord Bathurst 21st October 1823.] This paragraph I conceive to be an admission, and almost a boast, that the trial by court-martial was matter of choice, and, therefore, not of necessity; and I shall at present say nothing more on it, than earnestly to beseech the House to remark the evidence which it affords of the temper of the colonists; and to bear in mind the inevitable influence of that furious temper on the prosecutors, who conducted the accusation; on the witnesses who supported it by their testimony; on the officers of the court-martial, who could have no other associates or friends but among these prejudiced and exasperated colonists. With what suspicion and jealousy ought we not to regard such proceedings? What deductions ought to be made from the evidence? How little can we trust the fairness of the prosecutors, or the impartiality of the judges?

What hope of acquittal could the most innocent prisoner entertain? Such, says in substance governor Murray, was the rage of the inhabitants of Demerara against the unfortunate Mr. Smith, that his only chance of impartial trial required him to be deprived of all the safeguards which are the birthright of British subjects, and to be tried by a judicature which the laws and feelings of his country alike abhor.

But, the admission of governor Murray, though conclusive against him, is not necessary to the argument; for my learned friend has already demonstrated that, in fact, there was no necessity for a court-martial on the 13th of October. From the 31st of August, it appears by general Murray's letters, that no impediment existed to the ordinary course of law; no negroes were in arms; “no war or battle's sound was heard” through the colony. There remained, indeed, a few runaways in the forests behind; but we know from the best authorities,* that the forests were never free from bodies of these wretched and desperate men in those unhappy settlements in Guiana, where, under every government, rebellion has as uniformly sprung from cruelty, as pestilence has arisen from the marshes. Before the 4th of September, even the detachment which pursued the deserters into the forest had returned into the colony. For six weeks, then, before the court-martial was assembled, and for twelve weeks before that court pronounced sentence of death on Mr. Smith, all hostility had ceased, no necessity for their existence can be pretended, and every act which they did was an open and deliberate defiance of the law of England.

Where, then, are we to look for any colour of law in these proceedings? Do they derive it from the Dutch law? I have diligently examined the Roman law, which is the foundation of that system, and the writings of those most eminent jurists who have contributed so much to the reputation of Holland. I can find in them no trace of any such principle as martial law. Military law, indeed, is clearly defined, and provision is made for the punishment by military judges of the purely military offences of soldiers. But to any power of extending military jurisdiction over those who are not soldiers, there is not an allusion. I will not furnish a subject for the

* See Stedman, Bolingbroke; &c.

pleasantries of my right hon. friend, or tempt him into a repetition of his former innumerable blunders, by naming the greatest of these jurists, lest his date, his occupation, and his rank might be again mistaken, and the venerable president of the supreme court of Holland might be once more called a clerk of the States General. "*Persecutio militis*," says that learned person, "*pertinet ad judicem militarem quando delictum sit militare, et ad judicem communem quando delictum sit commune*." Far from supposing it to be possible that those who were not soldiers could ever be triable by military courts for crimes not military, he expressly declares the law and practice of the United Provinces to be, that even soldiers are amenable, for ordinary offences against society, to the court of Holland and Friesland, of which he was long the chief. The law of Holland, therefore, does not justify this trial by martial law.

Nothing remains but some law of the colony itself. Where is it? It is not alleged or alluded to in any part of this trial. We have heard nothing of it this evening. So unwilling was I to believe that this court-martial would dare to act without some pretence of legal authority, I suspected an authority for martial law would be dug out of some dark corner of a Guiana ordinance. I knew it was neither in the law of England nor in that of Holland; and I now believe that it does not exist even in the law of Demerara. The silence of those who are interested in producing it is not my only reason for this belief. I happen to have seen the instructions of the States General to their governor of Demerara in November, 1792—probably the last ever issued to such an officer by that illustrious and memorable assembly. It speaks at large of councils of war, both for consultation and for judicature. It authorizes these councils to try the military offences of soldiers, and therefore, by an inference which is stronger than silence, authorizes us to conclude that the governor had no power to subject those who were not soldiers to their authority. The result, then, is, that the law of Holland does not allow what is called martial law in any case, and that the law of England does not allow it without a necessity, which did not exist in the case of Mr. Smith. If, then, martial law is not to be justified by the law of England, or by the law of Holland, or by the law of Demerara, what is there to

hinder me from affirming, that the members of this pretended court had no more right to try Mr. Smith, than any other fifteen men on the face of the earth; that their acts were nullities, and their meeting a conspiracy; that their sentence was a direction to commit a crime; that if it had been obeyed, it would not have been an execution, but a murder; and that they and all other parties engaged in it, must have answered for it with their lives?

I hope no man will, in this House, undervalue that part of the case which relates to the illegality of the trial. I should be sorry to hear any man represent it as an inferior question, whether we are to be governed by law or by will. Every breach of law, under pretence of attaining what is called substantial justice, is a step towards reducing society under the authority of arbitrary caprice and lawless force. As in many other cases of evil-doing, it is not the immediate effect, but the example which is the larger part of the consequences of every act, and which is most mischievous. If we listen to any language of this sort, we shall do our utmost to encourage governors of colonies to discover some specious pretexts of present convenience for relieving themselves altogether and as often as they wish, from the restraints of law. In spite of every legal check, colonial administrators are already daring enough, from the physical impediments which render it nearly impossible to reduce their responsibility to practice. If we encourage them to proclaim martial law without necessity, we shall take away all limitation from their power in this department; for pretences of convenience can seldom be wanting in a state of society which presents any temptation to the abuse of power.

But I am aware that I have undertaken to maintain the innocence of Mr. Smith, as well as to show the unlawfulness and nullity of the proceedings against him. I am relieved from the necessity of entering at large into the facts of his conduct, by the admirable and irresistible speech of my learned friend, who has already demonstrated the virtue and innocence of this unfortunate gentleman, who died the martyr of his zeal for the diffusion of religion, humanity, and civilization, among the slaves of Demerara. The hon. gentleman charges him with a want of discretion. Perhaps it may be so. That useful quality, which Swift somewhere calls "an alderman-like

virtue," is deservedly much in esteem among those who are "wise in their generation," and to whom the prosperity of this world belongs: but it is rarely the attribute of heroes and of martyrs; of those who voluntarily suffer for faith or freedom; who perish on the scaffold in attestation of their principles:—it does not animate men to encounter that honourable death which the colonists of Demerara were so eager to bestow on Mr. Smith.

On the question of actual innocence, the hon. member has either bewildered himself, or found it necessary to attempt to bewilder his audience, by involving the case in a labyrinth of words, from which I shall be able to extricate it by a very few and short remarks.—The question is, not whether Mr. Smith was wanting in the highest vigilance and foresight, but whether he was guilty of certain crimes laid to his charge? The first charge is, that he promoted discontent and dissatisfaction among the slaves, "intending thereby to excite revolt." The court-martial found him guilty of the fact, but not of the intention; thereby, in common sense and justice, acquitting him. The second charge is, that on the 17th of August he consulted with Quamina concerning the intended rebellion; and on the 19th and 20th, during its progress, he aided and assisted it by consulting and corresponding with Quamina, an insurgent. The court-martial found him guilty of the acts charged on the 17th and 20th, but acquitted him of that charged on the 19th. But this charge is abandoned by the hon. gentleman, and, as far as I can learn, will not be supported by any one likely to take a part in this debate. On the fourth charge which in substance is, that Mr. Smith did not endeavour to make Quamina prisoner on the 20th of August, the court-martial have found him guilty; but I will not waste the time of the House, by throwing away a single word upon an accusation, which I am persuaded no man here will so ill consult his own reputation as to vindicate.

The third charge, therefore, is the only one which requires a moment's discussion. It imputes to Mr. Smith, that he previously knew of the intended revolt, and did not communicate his knowledge to the proper authorities. It depends entirely on the same evidence which was produced in support of the second. It is an offence analogous to what in our law is denomi-

nated misprision of treason, and it bears the same relation to an intended revolt of slaves against their owners, which misprision in England bears to high treason. To support this charge, there should be sufficient evidence of such a concealment as would have amounted to misprision, if a revolt of slaves against their private masters had been high treason. Now, it had been positively laid down, by all the judges of England, that "one who is told only in general that there will be a rising, without persons or particulars, is not bound to disclose." [Keling, 22.] Concealment of the avowal of an intention is not misprision, because such an avowal is not an overt act of high treason. Misprision of treason is a concealment of an overt act of treason. A consultation about the means of revolt, is undoubtedly an overt act, because it is one of the ordinary and necessary means of accomplishing the object. But it is perfectly otherwise with a conversation, even though in the course of it improper declarations of a general nature should be made. I need not quote Hale or Foster in support of positions which I believe will not be controverted. Contenting myself with having laid them down, I proceed to apply them to the evidence on this charge.

I think myself entitled to lay aside, and indeed in that I only follow the example of the hon. gentleman, the testimony of the coachman and the groom, which if understood in one sense is incredible, and in the other is insignificant. It evidently amounts to no more than a remark by Mr. Smith, after the insurrection broke out, that he had long foreseen danger. The concealment of such a general apprehension, if he had concealed it, was no crime; for it would be indeed most inconvenient to magistrates and rulers and most destructive of the quiet of society, if men were bound to communicate to the public authorities every alarm that might seize the minds of any of them.

But, he did not conceal that general apprehension: on the contrary, he did much more than strict legal duty required. Divide the facts into two parts: those which preceded Sunday the 17th of August, and those which occurred then and afterwards. I fix on this day, because it will not be said, by any one whose arguments I should be at the trouble of answering, that there is any evidence of the existence of a specific plan of revolt previous to the 17th of

August. What did not exist could neither be concealed nor disclosed. But the conduct of Mr. Smith respecting the general apprehensions which he entertained before that day, is evidence of great importance as to what would have been his probable conduct, if any specific plan had afterwards been communicated to him. If he made every effort to disclose a general apprehension it is not likely that he should have deliberately concealed a specific plan. It is in that light that I desire the attention of the House to it.

It is quite clear that considerable agitation had prevailed among the Negroes from the arrival of Lord Bathurst's despatch in the beginning of July. They had heard, from seamen arrived from England, and by servants in the governor's house, and by the angry conversations of their masters, that some projects for improving their condition had been favourably received in this country. They naturally entertained sanguine and exaggerated hopes of the extent of the reformation. The delay in making the instructions known, naturally led the slaves to greater exaggeration of the plan, and gradually filled their minds with angry suspicions that it was concealed on account of the extensive benefits which it was to confer. Liberty seemed to be offered from England, and pushed aside by their masters and rulers at Demerara. This irritation could not escape the observation of Mr. Smith; and, instead of concealing it, he early imparted it to a neighbouring manager and attorney. How comes the hon. gentleman to have entirely omitted the evidence of Mr. Stewart? [Trial, p. 47, &c.] It appears from his testimony, that Mr. Smith, several weeks before the revolt, communicated to him (Stewart), the manager of plantation Success, that alarming rumours about the Instructions prevailed among the negroes. It appears that Mr. Smith went publicly with his friend Mr. Elliot, another missionary, to Mr. Stewart, to repeat the information, at a subsequent period; and that, in consequence, Mr. Stewart, with Mr. Cort, the attorney of plantation Success, went, on the 8th of August, to Mr. Smith, who confirmed his previous statements; said that Quamina and other negroes, had asked whether their freedom had come out; and mentioned that he had some thoughts of disabusing them, by telling them from the pulpit that their expecta-

tions of freedom were erroneous. Mr. Cort dissuaded him from taking so much upon himself. Is it not evident from this testimony, that Mr. Smith had the reverse of an intention to conceal the dangerous agitation on or before the 8th of August? It is certain that all evidence of his privity or participation before that day must be false. He then told all that he knew, and offered to do much more than he was bound to do. His disclosures were of a nature to defeat a project of a revolt, or to prevent it from being formed; he enabled Cort, or Stewart, to put the government on their guard; he told no particulars, because he knew none; but he put it into the power of others to discover them if they existed. He made these discoveries on the 8th of August: what could have changed his previous system of conduct in the remaining ten days? Nay, more: he put it out of his power to change his conduct, effectually: it no longer depended on him whether what he knew should be so perfectly known to the government as to render all subsequent concealment ineffectual. He could not even know on the 17th whether his conversation with Stewart and Cort had not been communicated to the governor, and whether measures had not been taken which had either ascertained that the agitation no longer generally prevailed, or had led to such precautions as could not fail to end in the destruction of those who should deliberately and criminally conceal the designs of the insurgents. The crime of misprision consists in a design to deceive, which, after such disclosure, it was impossible to harbour. If this had related to the communication of a formed plan, it might be said that the disclosure to private persons was not sufficient, and that he was bound to make it to the higher authorities. I believe Mr. Cort was a member of the Court of Policy [Here Mr. Gladstone intimated, by a shake of his head, that Mr. Cort was not]. I yield to the local knowledge of my hon. friend, if I may venture to call him so, in our present belligerent relations. If Mr. Cort be not a member of the Court of Policy, he must have had access to its members; he stated to Mr. Smith the reason of their delay to promulgate the Instructions; and in a communication which related merely to general agitation, Mr. Smith could not have chosen two persons more likely to be on the alert about a revolt of slaves, than the manager and attorney of a neighbour-

ing plantation. Stewart and Cort were also officers of Militia.

A very extraordinary part of this case appears in the Demerara Papers No. II., to which I have already adverted. Hamilton, the manager of plantation Resouvenir, had, it seems, a negro mistress, from whom few of his secrets were hid. This lady had the singularly inappropriate name of Susannah. I am now told that she had been the wife of Jack, one of the leaders of the revolt—I have no wish to penetrate into his domestic misfortunes—at all events, Jack kept up a constant and confidential intercourse with his former friend, even in the elevated station which she had attained. She told him (if we may believe both him and her) of all Hamilton's conversations. By the account of Paris, it seems that Hamilton had instructed them to destroy the bridges. Susannah said, that he intreated them to delay the revolt for two weeks, till he could remove his things. They told Hamilton not only of the intention to rise, three weeks before, but of the particular time on Monday morning. Hamilton told her, that it was useless for him to manumit her and her children, as she wished, for that all would soon be free; and that the governor kept back the Instructions because he was himself a slave owner. Paris and Jack agree in laying to Hamilton's charge the deepest participation in their criminal designs. If this evidence was believed, why was not Hamilton brought to trial, rather than Smith? If it was disbelieved, as the far greater part of it must have been, why was it concealed from Smith that such wicked falsehoods had been contrived against another man—a circumstance which so deeply affects the credit of all the negro accomplices, who swore, to save their own lives. If, as I am inclined to believe, some communications were made through Susannah, how hard was the fate of Mr. Smith, who suffers for not promulgating some general notions of danger, which, from this instance, must have entered through many channels into the minds of the greater number of Whites.—But, up to the 17th of August, it appears that Mr. Smith did not content himself with bare disclosure, but proffered his services to allay discontent, and shewed more solicitude than any other person known to us, to preserve the peace of the community.

The question now presents itself which I allow constitutes the vital part of this

case—whether any communication was made to Mr. Smith on the evening of Sunday the 17th, of which the concealment from his superiors was equivalent to what we call misprision of treason. No man can conscientiously vote against the motion, who does not consider the affirmative as proved. I do not say that this would be of itself sufficient to negative the motion: I only say that it is indispensably necessary. There would still remain behind the illegality of the jurisdiction, as well as the injustice of the punishment. And on this latter most important part of the case, I must here remark, that it would not be sufficient to tell us, that the Roman and Dutch law ranked misprision as a species of treason, and made it punishable by death; it must be shewn not only that the court were by this law entitled to condemn Mr. Smith to death, but that they were also bound to pronounce such a sentence. For if they had any discretion, it will not be said that an English court-martial ought not to regulate the exercise of it by the more humane and reasonable principles of their own law, which does not treat misprision as a capital offence. I am sorry to see that the hon. agent for Demerara has quitted his usual place, and has taken a very important position [Mr. Holmes was whispering to Mr. Canning]. I feel no ill-will to the hon. member, but I dread the sight of him when pouring poison into the ears of the powerful. He is but too formidable in his ordinary station, at the head of those troops whom his magical wand brings into battle in such numbers as no eloquence can match, and no influence but his own can command.—But, to return. Let us now consider the evidence of what passed on the 17th of August. And here, once more, let me conjure the House to consider the condition of the witnesses who gave that evidence: They were accomplices in the revolt, who had no chance of life but what acceptable testimony might afford. They knew the fierce, furious hatred, which the ruling party had vowed against Mr. Smith. They were surrounded by the skeletons of their brethren. They could perhaps hear the lash resounding on the bloody backs of others, who were condemned to suffer a thousand lashes, and to work for life in irons, under the burning sun of Guiana. They lived in a colony where such unexampled barbarities were inflicted as a mitigated punishment, and held out as

acts of mercy. Such were the dreadful terrors which acted on their minds, and under the mental torture of which, every syllable of their testimony was uttered—There was still another deduction to be made from their evidence. They spoke to no palpable facts: they gave evidence only of conversation. “Words,” says Mr. Justice Foster, “are transient and fleeting as the wind; frequently the effect of a sudden transport; easily misunderstood, and often misreported.” If he spoke thus of words used in the presence of witnesses intelligent, enlightened, and accustomed to appreciate the force and distinctions of terms, what would he have said of the evidence of negro slaves, accomplices in the crime, trembling for their lives, reporting conversations, of which the whole effect might depend on the shades and gradations of words in a language very grossly known to them—of English words, uttered in a few hurried moments, and in the presence of no other witnesses from whom they could dread an exposure of their falsehood? It may be safely affirmed, that it is difficult for imagination to conceive admissible evidence of lower credit, and more near the verge of utter rejection.

But what, after all, is the sum of the evidence? It is, that the negroes who followed Mr. Smith from church on Sunday the 17th, spoke to him of some design which they entertained for the next day. It is not pretended that time or place, or persons, were mentioned. The contrary is sworn. Mr. Smith, who was accustomed for six weeks to their murmurs, and had before been successful in dissuading them from violence, contents himself with repeating the same dissuasives; believes he has again succeeded in persuading them to remain quiet; and abstains for twenty-four hours from any new communication of designs altogether vague and undigested, which he hoped would evaporate, as others of the same kind had done, without any serious effect. The very utmost that he seems to have apprehended was, a plan for obliging, or “driving” as they called it, their managers to join in an application to the governor on the subject of the new law; a kind of proceeding which had more than once occurred, both under the Dutch and English governments. It appears from the witnesses for the prosecution, that they had more than once gone to Mr. Smith before on the same subject, and that his answer was always

the same; and that some of the more exasperated negroes were so dissatisfied with his exhortations to submission, that they cried out “Mr. Smith was making them fools; that he would not deny his own colour for the sake of black people.” Quamina appears to have shewn at all times a more than ordinary deference towards his pastor. He renewed these conversations on the evening of Sunday the 17th, and told Mr. Smith, who again exhorted them to patience, that two of the more violent negroes, Jack and Joseph, spoke of taking their liberty by force. I desire it to be particularly observed, that this intention, or even violent language, appears to have been attributed only to two, and that in such a manner as naturally to exclude the rest. Mr. Smith again repeated the advice which had hitherto proved efficacious: “He told them to wait, and not to be so foolish. How do you mean that they should take it by force? You cannot do any thing with the white people, because the soldiers will be more strong than you; therefore you had better wait. You had better go and tell the people, ann christians particularly, that they had better have nothing to do with it.” When Mr. Smith spoke of the resistance of the soldiers, Quamina, with an evident view to persuade Mr. Smith that nothing was intended which would induce the military to proceed to the last extremities, observed, that they would “drive” the managers to town; which, by means of the expedient of a general “strike,” or refusal to work, appears to have been the project spoken of by most of the slaves. To this observation, Mr. Smith justly answered, that even if they did “drive” the managers to town, they “would not be able to go against the soldiers,” who would very properly resist such tumultuary and dangerous movements. Be it again observed, that Bristol, the chief witness for the prosecution, clearly distinguishes this plan from that of Jack and Joseph, “who intended to fight with the white people.” I do not undertake to determine whether the more desperate measure was at that time confined to these two men: it is sufficient for me that such was the representation made to Mr. Smith. Whoever fairly compares the evidence of Bristol with that of Seaton, will, I think, find the general result to be such as I have now stated. It is true that there are contradictions between them, which, in the case of witnesses of another

cast, might be considered as altogether subversive of their credit. But I make allowance for their fears, for their confusion, for their habitual inaccuracy, for their ignorance of the language; for their own incorrectness, if they gave evidence in English; for that of the interpreters, if they employed any other language. In return, I expect that no fair opponent will rely on minute circumstances; that he will also allow the benefit of all chances of inaccuracy to the accused; and that he will not rely on the manner, where a single word, mistaken or misremembered, might make the whole difference between the most earnest and the faintest dissuasive.

I do not know what other topics Mr. Smith could have used. He appeals to their prudence: the soldiers, says he, will overcome your vain revolt. He appeals to their sense of religion: as christians you ought not to use violence. What argument remained, if both these failed? What part of human nature could he have addressed, where neither danger could deter nor duty restrain? He spoke to their conscience and to their fears; surely admonition could go no further.

There is not the least appearance that these topics were not urged with perfect good faith, as they must have been in those former instances where he demonstrated his sincerity by the communications which he made to Stewart and Cort. His temper of mind on this subject continued, then, to be the same on the evening of the 17th, that it had been before; and, if so, how absolutely incredible it is that he should, on that night, and on the succeeding morning, advisedly, coolly, and malignantly, form the design of hiding a treasonable plot confidentially imparted to him by the conspirators, in order to lull the vigilance of the government, and commit himself and his countrymen to the mercy of exasperated and triumphant slaves.

I have already stated the reasons which might induce him to believe that he had once more succeeded in dissuading the negroes from violence. Was he inexcusable in overrating his own ascendancy; in over-estimating the docility of his converts; in relying more on the efficacy of his religious instructions than men of more experience and colder temper would deem reasonable? I entreat the House to consider whether this self-deception be improbable; for if he believed that he had been

successful, and that the plan of tumult or revolt was abandoned, would it not have been the basest and most atrocious treachery to have given such information as might have exposed the defenceless slaves to punishments of unparalleled cruelty, for offences which they had meditated, but from which he believed that he had reclaimed them? Let me for a moment again remind the House of the facts which give such weight to this consideration. He lived in a colony where, for an insurrection in which no white man was wantonly or deliberately put to death, and no property was intentionally destroyed, or even damaged, I know not how many negroes perished on the gibbet; and others, under the insolent, atrocious, detestable pretext of mercy, suffered a thousand lashes, and were doomed to hard labour in irons for life, under the burning sun, and among the pestilential marshes, of Guiana? These dreadful cruelties, mis-called punishments, did indeed occur after the 17th of August. But he, whose heart had fluttered from the incessant cracking of the whip, must have strongly felt the horrors to which he was exposing his unhappy flock by a hasty or needless disclosure of projects excited by the impolitic delays of their rulers. Every good man must have wished to find the information unnecessary. Would not Mr. Smith have been the most unworthy of pastors, if he had not desired that such a cup might pass from him? And if he felt these benevolent desires; if he recoiled with horror from putting these poor men into the hands of what in Demerara is called justice; there was nothing in the circumstances which might not have seemed to him to accord with his wishes. Even without the influence of warm feeling, I do not think that it would have been unreasonable for any man to believe that the negroes had fully agreed to wait. Nay, I am convinced that with Quamina Mr. Smith was successful. Quamina, I believe, used his influence to prevent the revolt; and it was not till after he was apprehended on Monday, on unjust suspicions, and was rescued, that he took refuge among the revoltors, and was at last shot by the soldiers, when he was a run-away in the forest—a fact which was accepted by the court-martial as the sufficient, though sole, evidence of his being a ringleader in the rebellion!!

The whole period during which it is necessary to account for Mr. Smith's not

communicating to the government an immature project, of which he knew no particulars, and which he might well believe to be abandoned, is a few hours in the morning of Monday; for it is proved, by the evidence of Hamilton, that he was informed of the intended revolt by a captain Simson, at one o'clock of that day, in George Town, the seat of government, at some miles distance from the scene of action. It was then so notorious, that Hamilton never dreamt of troubling the governor with such needless intelligence; yet this was only four or five hours later than the time when Mr. Smith was held to be bound, under pain of death, to make such a communication! The governor himself, in his despatches, said, that he had received the information, but did not believe it [Demerara Papers No. II. p. 1]. This disbelief, however, could not have been of long duration; for active measures were taken, and Mr. Stewart apprehended Quamina, and his son Jack, a little after three o'clock on Monday; which, considering the distance, necessarily implies that some general order of that nature had been issued by the government at George Town not long after noon on that day [Demerara Papers No. II. p. 70]. As all these proceedings occurred before Mr. Smith received the note from Jack of Dochfour, about half an hour before the revolt, I lay that fact out of the case, as wholly immaterial. The interview of Mr. Smith with Quamina, on the 19th of August, is negatived by the finding of the court-martial. That on the 20th will be relied on by no man in this House, because there is not the slightest proof, nor indeed probability, that the conversation at that interview was not perfectly innocent. Nothing, then, called for explanation but the conversation of Sunday evening, and the silence of Monday morning, which I think I have satisfactorily explained, as fully as my present strength will allow, and much more so than the speech of my learned friend left it necessary to do.

There is one other circumstance which occurred on Sunday, and which I cannot pass over in silence. It is the cruel perversion of the beautiful text from the gospel on which Mr. Smith preached his last sermon. That circumstance alone evinces the incurable prejudice against this unfortunate man, which so far blinded his prosecutors, that they actually represent him as choosing that most affecting lamentation

over the fall of Jerusalem, in order to excite the slaves to accomplish the destruction of Demerara. The lamentation of one who loved a country, was by them thought to be selected to stimulate those who were to destroy a country; as if tragical representations of the horrors of an assault were likely to be exhibited in the camp of the assailants the night before they were to storm a city. It is wonderful that these prosecutors should not have perceived that such a choice of a text would have been very natural for Mr. Smith only on the supposition that he had been full of love and compassion and alarm for the European inhabitants of Demerara. The simple truth was, that the estate was about to be sold, and the negroes to be scattered over the colony by auction; and that, by one of those somewhat forced analogies, which may appear to me unreasonable, but which men of the most sublime genius as well as fervent piety have often applied to the interpretation of scripture, he likened their sad dispersion, in connexion with their past neglect of the means of improvement and the chance of their now losing all religious consolation and instruction, to the punishment inflicted on the Jews by the conquest and destruction of Jerusalem.

In what I have now addressed to the House I have studiously abstained from all discussion of those awful questions which relate to the general structure of colonial society. I am as adverse as any one to the sudden emancipation of slaves; much out of regard to the masters, but still more, as affecting a far larger portion of mankind, out of regard to the unhappy slaves themselves. Emancipation by violence and revolt I consider as the greatest calamity that can visit a community, except perpetual slavery. I should not have so deep an abhorrence of that wretched state, if I did not regard it as unfitting slaves for the safe exercise of the common rights of mankind. I should be grossly inconsistent with myself, if, believing this corrupting and degrading power of slavery over the mind to be the worst of all its evils, I were not very fearful of changes which would set free those beings, whom a cruel yoke had transformed into wild beasts, only that they might tear and devour each other. I acknowledge that the pacific emancipation of great multitudes thus wretchedly circumstanced, is a problem so arduous as to perplex, and almost silence, the reason

of man. Time is undoubtedly necessary; and I shall never object to time, if it be asked in good faith. If I be convinced of the sincerity of the reformer, I will not object to the reformation merely on account of the time which it requires. But I have a right to be jealous of every attempt, which, under pretence of asking time for reformation, may only aim at evading urgent demands, and indefinitely procrastinating the deliverance of men from bondage.

And here I should naturally close: but I must be permitted to relate the subsequent treatment of Mr. Smith, because it reflects back the strongest light on the intentions and dispositions of those who persecuted him, and of those who ratified the sentence of death. They who can cruelly treat the condemned, are not in general scrupulous about convicting the innocent. I have seen the widow of this unhappy sufferer—a pious and amiable woman, worthy to be the helpmate of her martyred husband, distinguished by a calm and clear understanding, and, as far as I could discover, of great accuracy; anxious rather to understate facts, and to counteract every lurking disposition to exaggerate, of which her judgment and humility might lead her to suspect herself. She told me her story with temper and simplicity; and, though I ventured more near to cross-examination in my inquiries than delicacy would, perhaps, in any less important case, have warranted, I saw not the least reason to distrust the exactness, more than the honesty, of her narrative. Within a few days of his apprehension, Mr. Smith and his wife were closely confined in two small rooms at the top of a building, with only the outward roof between them and the sun, when the thermometer in the shade, at their residence in the country, stood at an average of 83 degrees of Fahrenheit. There they were confined from August to October, with two sentries at the door, which was kept open day and night. These sentries, who were relieved every two hours, had orders at every relief to call on the prisoner, to ascertain by his answer that he had not escaped. The generality, of course, executed their orders; a few, more humane, said Mrs. Smith, contented themselves during the night with quietly looking into the bed. Thus was he, labouring under a mortal disease, and his wife, with all the delicacy of her sex, confined for two months, without seeing a

human face except those of the sentries, and of the absolutely necessary attendants—no physician, no friends to console, no legal adviser to guide the prisoner to the means of proving his innocence—no mitigation—no solace! The first human face which she saw, was that of the men who came to bear tidings of accusation, and trial, and death, to her husband. I asked her, whether it was possible that the governor knew that they were in this state of desolation? She answered, that she did not know, for nobody came to inquire after them! He was afterwards removed to apartments on the ground-floor, the damp of which seems to have hastened his fate. Mrs. Smith was set at large, but obliged to ask a daily permission to see her husband for a limited time, and, if I remember right, before witnesses! After the packet had sailed, and when there was no longer cause to dread their communications with England, she was permitted to have unrestricted access to him, as long as his intercourse with earthly things endured. At length he was mercifully released from his woes. The funeral was ordered to take place at two o'clock in the morning, that no sorrowing negroes might follow the good man's corpse. The widow desired to accompany the remains of her husband to the grave. Even this sad luxury was prohibited: the officer declared that his instructions were peremptory. Mrs. Smith bowed, with the silent submission of a broken heart. Mrs. Elliot, her friend and companion, not so borne down by sorrow, remonstrated. "Is it possible," she said, "that general Murray can have forbidden a poor widow from following the coffin of her husband?" The officer again answered, that his orders were peremptory. "At all events," said Mrs. Elliot, "he cannot hinder us from meeting the coffin at the grave." Two negroes bore the coffin, with a single lantern going before; and at four o'clock in the morning the two women met it in silent anguish at the grave, and poured over the remains of the persecuted man that tribute which nature pays to the memory of those whom we love. Two negro workmen, a carpenter and a bricklayer, who had been members of his congregation, were desirous of being permitted to protect and distinguish the spot where their benefactor reposed; "That, ev'n his bones from insult to protect,
Some frail memorial, still erected nigh,
With uncouth rhimes and shapeless sculpture deckt,
Might claim the passing tribute of a sigh."

They began to rail in and to brick over the grave; but as soon as this intelligence reached the first Fiscal, his honour was pleased to forbid the work — he ordered the bricks to be taken up, the railing to be torn down, and the whole frail memorial of gratitude and piety to be destroyed!

“English vengeance wars not with the dead.” It is not so in Guiana: as they began so they concluded; and, at least, it must be owned that they were consistent in their treatment of the living and of the dead. They did not stop here: a few days after the death of Mr. Smith they passed a vote of thanks to Mr. President Wray, for his services during the insurrection; which, I fear, consisted entirely in his judicial acts as a member of the court-martial. It is the single instance, I believe, in the history of the world, where a popular meeting thanked a judge for his share in a trial which closed with sentence of death! I must add, with sincere regret that Mr. Wray, in an unadvised moment, accepted these tainted thanks, and expressed his gratitude for them! Shortly after, they did their utmost to make him repent and be ashamed of his rashness. I hold in my hand a Demerara newspaper, containing an account of a meeting, which must have been held with the knowledge of the governor, and among whom I see nine names which, from the prefix of “Honourable,” belong, I presume, to persons who were members either of the Court of Justice, or of the Court of Policy. It was an assembly which must be taken to represent the colony. Their first proceeding was a declaration of Independence. They resolved, that the king and parliament of Great Britain had no right to change their laws without the consent of their Court of Policy. They founded this pretension, which would be so extravagant and insolent if it were not so ridiculous, on the first article of the capitulation now lying before me, bearing date on the 19th of September 1803, by which it was stipulated that no new establishments should be introduced without the consent of the Court of Policy—as if a military commander had any power to perpetuate the civil constitution of a conquered country, and as if the subsequent treaty had not ceded Demerara in full sovereignty to his majesty. I should have disdained to notice such a declaration if it were not for what followed. This meeting took

place eighteen days after the death of Mr. Smith. It might be hoped, that, if their hearts were not touched by his fate, at least their hatred might have been buried in his grave; but they soon shewed how little chance of justice he had when living within the sphere of their influence, by their rancorous persecution of his memory after death. Eighteen days after he had expired in a dungeon, they passed a resolution of strong condemnation against two names not often joined—the London Missionary Society, and lord Bathurst—the society, because they petitioned for mercy (for that is a crime in their eyes); lord Bathurst, because he had advised his majesty to dispense it to Mr. Smith. With an ignorance suitable to their other qualities, they consider the exercise of mercy as a violation of justice. They are not content with persecuting their victim to death: they arraign nature, which released him; and justice, in the form of mercy, which would have delivered him out of their hands. Not satisfied with his life, they are incensed at not being allowed to brand his memory; to put an ignominious end to his miseries; and to hang up his skeleton on a gibbet, which, as often as it waved in the winds, should warn every future missionary to fly from such a shore, and not to dare to enter that colony, to preach the doctrines of peace, of justice, and of mercy.

Mr. *Scarlett* rose, and begged that a short time might be allowed him to express his opinion on this subject, and to state the reasons for the vote which he should give on the present motion. He expressed his warmest admiration at the talent and eloquence which had been displayed by the learned and honourable member who had brought forward the motion; but he doubted very much whether he ought to concur in a vote of condemnation proposed against individuals who had no advocate in that House, and proposed in language which described them as little better than murderers: for it was admitted, by both of his learned friends, that if the persons whose conduct was now under consideration had had the courage to carry into execution the sentence passed against Mr. Smith, the present proposition would have the effect of stigmatising them as persons who had committed murder. When called on to take part in such a vote, directed against individuals not before the House, he could not but wish, that, instead of passionate

declamation, and vehement invective, they had been favoured with a little more argument, and with less of those appeals which were only fit to inflame the passions of the hearers. He considered the question before the House of a nature that called for the utmost candour, gravity, and deliberation; and he thought that the House should be on its guard against the impressions of a speech which he was compelled to consider, not as judicial or deliberative, but as an extraordinary specimen of the highest sort of forensic eloquence.

Before he entered upon the discussion, he thought it proper to do justice to a gentleman, whose name had been mentioned by the last speaker in terms which proved how little his learned friend was acquainted with him. He had long known Mr. Wray, the chief justice of the colony. He was a gentleman of high education, liberal principles, and honourable feelings. When he stated that he had received his education at Cambridge, and was a distinguished member of Trinity college, there were many gentlemen in that House who would feel with him that he was not likely to be deficient in learning, or illiberal in his conduct. He was certain that if his learned friend had known Mr. Wray as well as he did, he would have considered it fortunate for Mr. Smith that such a person, at least, was a member of the tribunal which tried him; and would have acknowledged that no man could have been found for that station of more correct judgment, more impartial feeling, or more undeviating rectitude.

There were, he must own, some parts of the proceeding of the court-martial of which he could not approve. He did not think it was correct that the court-martial should have been empowered, or called upon, to try an offence which was committed before the institution of martial law. He did not approve of the sentence of death, which could not have been inflicted by the ordinary tribunals for misprision of treason. Neither was he satisfied of the propriety of using against the defendant those private memorandums, which appeared not to have been intended for the inspection of any eye but his own. At the same time, it ought to be observed, in justice to the court-martial, that this evidence was laid before them by the judge-advocate, and was not objected to at the time by the prisoner: nor did it appear, till he entered upon his defence,

that the court were apprised of the real nature and object of these notes. But, though he was free to own that, in these particulars, he did not approve of the proceedings, he thought the difference was very great between not approving entirely, and condemning entirely; more especially in the very strong language used by his honourable friends.

He would proceed to state, shortly, the points on which he differed with the mover of the question. It was asserted, that Mr Wray was the most improper person to have been a member of the court-martial, because, as chief justice, it might have become his duty to preside at the trial of an action that might, upon the restoration of the ordinary tribunals, have been brought by the prisoner against the governor. Now, this was a misconception. It was true that the governor, when in England, might be liable to an action for exceeding his authority whilst governor in the colony; but no such action could be brought against him in the colony, where he represented the king, and was, during the continuance of his office in the place where he exercised it, irresponsible. Therefore, Mr. Wray could have tried no such action.—Next, his learned friend who opened the debate, had insisted, that there was no evidence of Quamina being in open rebellion but hearsay evidence; and had read with many comments, a part of the evidence, which, if taken by itself, and in the manner in which his learned friend had stated it, seemed undoubtedly to warrant the assertion. But he had looked into the printed report at the very passage whilst his friend was reading it, and he was surprised to find that the most essential part of the evidence was omitted by his learned friend. He would now read the whole of that part of the evidence; from which the House would perceive, that Quamina was proved, by the most direct testimony, to have been seen with arms, in open rebellion; and that the hearsay evidence related only to his being taken up afterwards and hanged, and was introduced, not by the design of the examiner, but by the ignorance of the witness, as often happened before the most tribunals. [Here Mr. Scarlett read part of Bristol's evidence, in p. 15 of the printed trial.]

He next adverted to a position laid down by his honourable friend who spoke last—that there could be no misprision of treason until after the commission of an

overt act;—from which his hon. friend had argued, that, as the communication of Quamina to Mr. Smith was not of an overt act, but only of an intention; there was no misprision of treason in concealing this communication, although an overt act had afterwards taken place. Now, it was true that there could be no indictable treason without an overt act; and it might therefore be said, in one sense, that there could be no misprision where there was no overt act. But if an overt act did in fact take place, which the party accused of misprision was aware was intended before it took place, he was clearly guilty of misprision if he did not immediately disclose his knowledge. For example; if a party knew to-night that the king's person was to be assailed to-morrow, and that act of treason should be committed to-morrow, then the party omitting to disclose his knowledge would be clearly guilty of misprision of treason to-night.

This brought him to the main question, in which he found himself obliged to differ with both his hon. and learned friends: namely, was there evidence to warrant the court in finding that Mr. Smith had been guilty of misprision of treason? He could only appeal to the evidence for his opinion. By this it appeared, and that upon the testimony of two witnesses, that, before the insurrection broke out, Quamina had conversations with Smith upon the subject; that he had communicated the intention of the slaves to drive the managers to the town to fetch the new law; that Mr. Smith understood him to mean force, because he remonstrated against it, and represented that it would be unavailing against the king and the governor [Here Mr. S. read another part of the trial, in p. 17]. The very next day, or the day, but one after, the rebellion broke out, and Quamina took an active part in it. Mr. Smith, however, made no immediate communication of what he had learned, nor indeed any communication at all; as it did not appear that he had told Mr. Stewart and Mr. Cort any of the particulars stated by Quamina. It was said, however, that the fact of these communications to Mr. Smith by Quamina was proved by the evidence of Bristol and another, and that these witnesses were unworthy of credit. Of the credit of the witnesses the court-martial were competent judges; and it would be altogether a new ground for condemning the judgment of a court, that they ought rather to have believed the state-

ment of the prisoner, upon which his learned friend placed so much reliance, than the evidence of the witnesses. He had, however, looked at the statement of the prisoner. He collected from it, that he was a man of considerable talent; and he was bound to say, that, though he thought his enthusiasm had led him into error, he was impressed with a strong persuasion of his general integrity and virtuous life. But, he found in that statement the strongest confirmation of Bristol's evidence. Mr. Smith admitted that Quamina was at his house at the time mentioned by Bristol. He admitted a conversation with him. It was true he did not state the same terms exactly; but it was plain, from one circumstance, that the conversation was of the nature and substance stated by Bristol, for Mr. Smith admitted that he found it necessary to reprove Quamina for what he had heard him say. Then he must have said something that called for reproof. What was it? Mr. Smith did not state it; Bristol did. Again: Mr. Smith states his remonstrance to Quamina in such terms as are not only substantially the same as stated by Bristol, but as clearly imply that Quamina had been talking of force, and using the very language which Bristol puts into his mouth. He observed from some indications near him, and some expressions meant to be overheard by him, that some of his friends thought he should read the whole of Smith's statement, and accept his protestations of innocence, whilst he employed his own admissions against him. This, however, was not correct judicial reasoning. In trying whether a witness against the prisoner was worthy of credit, it was perfectly legitimate to consider how far he was confirmed by the prisoner's statements in his evidence, without being obliged to resort to the extraordinary candour, which was adopted by his learned friends, of taking all that the prisoner said for himself to be true, and all the witnesses swore against him to be false. This was an error they could only have fallen into from the warmth of debate. If, instead of contending with his honourable friends in this debate, he had them impanelled upon a jury, sworn to try the question upon its merits, and freed from all prejudice, he entertained not the least doubt but that they and the whole jury, would yield to the positive testimony of two witnesses, corroborated in many material points by the statements of the prisoner himself. Upon these grounds he was compelled to come to the

conclusion, that the court-martial were warranted in finding Smith guilty upon the charge of misprision of treason.

It had been stated by the hon. gentleman who spoke second in the debate (Mr. W. Horton), that Mr. Smith might be guilty though not intentionally. He could not concur in that opinion. There could be no crime without the intention to commit the criminal act. "Non reus nisi mens sit rea" was a maxim of universal application. He imagined the hon. gentleman had confounded the motive with the intention. It might be very true, and he was disposed to believe, that Mr. Smith, in concealing the knowledge he had of an intended insurrection, acted from some motive which, according to his peculiar views of the subject, he could reconcile to his own conscience. He might wish to avoid the reproach of violating the confidence reposed in him. It was probable, from some passages which occurred in the trial, that he was persuaded an insurrection must break out at no distant time at all events, and that no efforts of his could prevent it. But, whether these were his motives or not, the law had nothing to do with the motives of men. If the party intend to do or to omit that, the doing or omission of which was criminal, then his offence was complete, whatever might be his object or motive.

He observed that his hon. and learned friend, who opened the debate, had made considerable use of a statement of the trial printed by the Missionary Society. He had considered that document as containing the most full and accurate account, and complained of the trial printed by order of the House as imperfect. Now, if his learned friend was correct in that opinion, he might have a very proper ground to press upon the House a motion for an inquiry; but he (Mr. S.) protested against the propriety of calling upon the House to come to a strong vote of censure, not upon the document which was official, and communicated by the authority of government, but upon a document published without authority, not laid upon the table of the House, and of the accuracy of which neither the House nor his learned friend had any means of judging. And he must say, however respectable the Missionary Society might be, he thought it not a parliamentary proceeding to ask of the House, upon the mere publication of a statement by that society, which, for aught they knew, might be wholly fallacious, to pass as strong vote of censure upon absent individuals.

His hon. and learned friend, who last addressed the House, appeared to him to be actuated by feelings as strong, and perhaps as exaggerated, though in an opposite direction, as those which he imputed to the colonists, of Demerara. Upon these unhappy persons he had poured forth his eloquent invective without measure or discrimination, involving in one common censure the planters, the governor, the chief justice, and all the members of the court-martial. He charged them, not only with cruelty and injustice to Mr. Smith in his life time, but with an unrelenting vengeance, which pursued him to his grave and disturbed his ashes. He also embarked on his side all the feelings of compassion that were due to the widow, and declaimed upon her merits, her privations, and her sufferings. It was impossible for him (Mr. Scarlett) to listen to his hon. and learned friend without pleasure, or to differ from him without pain and diffidence; but upon this occasion, he would appeal to the sober sense of the House, whether such topics, and the passions they were calculated to excite, were fairly or properly introduced upon a grave and important question of the conduct of judges acting under the sanction of an oath; introduced, too, without any authentic information on which the House could rely. If it were indeed true, that the natural prejudices of the planters, and the inflammation of their minds against those who were favourable to the moral and religious improvement of their slaves, rendered them partial, unjust, and incapable of fair judgment in the case of Mr. Smith, it did not follow that the chief justice and the military gentlemen, who formed the court-martial, were liable to the same objections. If he understood the matter correctly, most, if not all, of these gentlemen were officers in the army, having no local connection at Demerara. It would therefore afford an argument in favour of the governor, that he had referred the case of Mr. Smith to a tribunal so composed, rather than to the ordinary courts, which were formed of the planters. In this view of the subject, the friends of the missionary ought to find cause of satisfaction, rather than of complaint that he had been tried by a court-martial.

With respect to the intemperance of which the colonists were accused, and the unjust, as well as indiscreet conduct with which they were reproached, he would fairly own, that, in his judgment, the very

peculiar situation in which they were placed, called upon the candour of the House for some indulgence to their errors, instead of the indignation and the bitter animadversion with which their faults and their prejudices had been treated by his hon. and learned friend. Let it be recollected, that the unfortunate state of society in the colonies exposed them to constant apprehension upon two subjects of the deepest interest to mankind, the loss of property and the loss of life. The greatness of the perils to which they were exposed, placed them, upon the slightest cause of alarm, under the influence of the passion of fear, which was, of all others, the most overwhelming. Was it reasonable to expect coolness, moderation, and judgment in the councils of those who debated with the knife at their throats? Was it candid to exaggerate, or was it prudent to excite, that exasperation of feeling which could not fail to arise in the colonies, when they were threatened, by resolutions and speeches in Parliament, with ruin and death? Was it just, when they were persuaded that they were struggling against these mighty calamities, to ridicule the badness of their reasoning, or to reproach the indiscretion of their conduct? The House of Commons was debating in perfect security from all personal danger or loss, at the distance of some thousands of miles from the scene of action. No fear influenced their deliberations, no interest biased their judgment, their passions, at the most, were but rhetorical: they had no excuse for violent resolutions or intemperate debates upon subjects so remote in position and in interest from themselves. But let him suppose, that whilst he was addressing that assembly a cry should be raised that the house was on fire; that a panic should seize them, as had been sometimes known in a crowded theatre—the wisest counsel would be for a while to sit still. But, would that disposition prevail? On the contrary, the members would probably rush out in the greatest confusion, and crush each other in striving to escape. If at that moment some individual, more calm and collected than the rest, should endeavour to arrest their progress at the door, and recommend their return till the passage was cleared, with what temper would they receive his advice? They would probably become exasperated by his resistance, and trample him to death who was endeavouring to save them.

Surely, however indiscreet their conduct as it affected themselves, however cruel and unjust as it affected him, it would be barbarous to reprove men for intemperance and misconduct, who acted under circumstances so little fitted for judgment and reflection. Such, in effect, was the position in which the colonies were placed; and to such extremities must they be reduced by the excitement of their slaves to insurrection, or even by the very terror of so great a calamity. He was, therefore, more disposed to make allowances for all that was really to blame in the indiscretion of their councils and the intemperance of their language, than to condemn them, more especially in the severe terms of his hon. and learned friend's motion, rendered still more severe by the speech which introduced it. Seeing, however, as he thought he did, some things which he could not approve in the papers laid before the House, he should be glad if some middle course could be adopted that might avoid the necessity of appearing to approve what he could not conscientiously, in the terms proposed, bring himself to condemn.

Dr. *Lushington* rose, but was nearly inaudible from the cries for adjournment. He said he thought there were many gentlemen most anxious to speak on this question, and he should, therefore, submit to the feeling of the House; ready now to proceed, but willing to defer the expression of his sentiments, if they should think it necessary.

The cries for adjournment here became very loud; and accordingly at half past one o'clock, the further discussion of the motion was adjourned to the following day. It was afterwards further adjourned to the 11th instant.

HOUSE OF LORDS.

Wednesday, June 2.

[JOINT-STOCK COMPANIES.] The Earl of *Lauderdale* rose to move his two resolutions relative to bills for incorporating Joint-Stock Companies. In addition to the amendments he had already made, he proposed to alter the amount of capital required to be paid up, from four-fifths to three-fourths, and with this amendment he now moved, that these resolutions be agreed to.

The Marquis of *Dewnshire* hoped their lordships would exempt Ireland from the operation of these resolutions, or at least,

that they would not extend it to mining companies. At the present moment, when capital was required for speculations of that kind in Ireland, it appeared to him that the resolutions would prevent its transmission from this country, and completely prevent the formation of any company. He therefore meant to move as an amendment, that mining companies be exempted.

The Earl of *Lauderdale* said, that the noble marquis totally misunderstood the effect of the resolutions. Instead of preventing capital from being invested in mining speculations, the regulation, if adopted by the House, would cause it to be paid up. The stock of such companies would be no longer nominal, but real. So far from being hostile to the removal of capital from this country to Ireland, he wished to secure its transmission.

The Marquis of *Downshire* was still of opinion, that the proposed regulation would have the effect of preventing the transmission of capital to Ireland. He did not mean to propose to exempt mining companies generally, but only those to be established in Ireland. He accordingly moved the insertion, among the exceptions, of the words "or relating to mines in Ireland."

Their lordships divided on the amendment. Content 6, not content 29;

The resolutions were then agreed to, and entered as standing orders on the Journals.

HOUSE OF COMMONS.

Wednesday, June 2.

Mr. Alderman Wood moved the third reading of the Orphan's Fund Debt Bill. Mr. Alderman C. Smith objected to the motion. Upon which the House divided: Ayes 25, Noes 6. There being, accordingly, only thirty-one members present, the House adjourned as a matter of course. This unexpected adjournment was a source of considerable disappointment to numbers who attended in the gallery to hear the continuation of the debate on Mr. Brougham's motion, relative to the trial and condemnation of Missionary Smith. Such an abrupt termination to the proceedings of the evening could not have been anticipated a few minutes before it occurred, as there were, at that time, nearly a hundred members in the House. It was stated as the cause of the sudden disappearance of so many

members, that Mr. Graham's Balloon was just then visible from the windows, and, that several members having gone out to see it, were thereby shut out from the division.

HOUSE OF COMMONS.

Thursday, June 3.

FREEDOM OF DISCUSSION.] Mr. *Hume* presented a petition from Stokesley, praying for Freedom of Public Discussion, both in speaking and writing. He said, he quite agreed with the petitioners in censuring the number of prosecutions for publishing books on religious topics; to which prosecutions new vigour seemed to have been given since the present Attorney-general had come into his office.

Mr. *M. A. Taylor* did not oppose the bringing up the petition, but he would take leave to say, that if such opinions as those promulgated by *Carlike* and others were disseminated with impunity, the uninformed, and lower classes of society would be left without protection against the basest and most mischievous schemes. He had himself seen a House in Fleet-street, on which was an inscription stating, that it was the "Repository for the Deist and the Republican." He had no objection to every man's worshipping God in his own way; but he must denounce as highly dangerous such practices as these. There ought to be a Church Establishment in every state; but the attack now made was levelled against all religion.

Mr. *Hume* replied, that nothing contained in the petition warranted the tirade just delivered by the hon. member. Such tirades were generally mere cant and hypocrisy. One of the cant words employed on these occasions was "Blasphemy," which even the hon. member would find it difficult to explain. The petition only prayed freedom of discussion. He moved, that the clerk should read it at length. It was read accordingly.

Mr. *M. A. Taylor* threw himself upon the candour of the House, to decide whether any thing he had said warranted the anger his hon. friend had expressed. In his opinion, the purport of the petition was, to prevent prosecutions for publications injurious to religion. No man was prosecuted for his opinions. It was lord Mansfield's doctrine, that if the Devil came into Court, he must have justice; and even those who had impugned the Gospel and blasphemed religion, had met with

the most impartial treatment. The cant and hypocrisy was all on the other side, when such books as *Queen Mab* were put forth as fair works of doctrinal discussion.

Mr. *W. Smith* admitted, that his hon. friend was as free as any man from cant and hypocrisy. Religion must stand upon truth only, and truth could only be discovered by discussion. He once had believed that the promulgation of certain opinions ought to be repressed; but he was now convinced that such a doctrine was equally dangerous to truth, and to the liberty of the subject. All experience tended to shew, that prosecutions for religion's sake were ineffectual.

Mr. *Hume* explained, that he had not meant to apply the phrase, "cant and hypocrisy" to his hon. friend.

Mr. *Warre* concurred with what had fallen from the hon. member for Durham. Ordered to lie on the table.

TRIAL AND CONDEMNATION OF MISSIONARY SMITH.] Dr. *Lushington* moved the order of the day for resuming the adjourned debate on the case of Mr. Smith, for the purpose of postponing it. His reason for postponing the discussion was, that many members who wished to take part in it had made arrangements to leave town for the holydays, from which it would be very inconvenient for them to depart.

Sir *R. Wilson* took that opportunity of asking the secretary for the colonies, first, whether the minutes laid on the table of the House were the only official copy of the trial which the government had received; and secondly, whether the hon. gentleman was prepared to admit or deny the authenticity of the copy of evidence published by the Missionary Society? If there had been any suppression of evidence, it would be a great aggravation of the charge which had been made against the authorities of Demerara.

Mr. *W. Horton*, in answer to the first question, said, that the minutes received by government had been printed without the omission or alteration of a single word. With respect to the second question, he could neither affirm nor deny the authenticity of the copy of the trial published by the Missionary Society. There were discrepancies between that and the official copy, with respect to which he would leave gentlemen to draw their own conclusions.

Mr. *Buxton* said, that as some doubt existed as to whether the court had received hearsay evidence, he begged to state, that Mr. Elliott, a missionary, who was present at the trial, was now in London.

Mr. *Lockhart* asked, whether the authorities in Demerara had issued a proclamation revoking martial law?

Mr. *W. Horton* replied, that there could be no doubt that martial law had been repealed.

Mr. *Brougham* said, he had at first intended to propose the resumption of the debate to-morrow; but for the reasons stated by his learned friend, he consented to the postponement.

The order of the day for resuming the debate was then fixed for the 11th instant.

NEW CHURCHES BILL.] On the order of the day for going into a committee on this bill,

Mr. *James* said, he must protest against the uncharitableness of alleging, that all those who thought with him were hostile to the established church. In that religion he had been born and educated, and that religion he should continue to respect; but he was decidedly opposed to spending the public money on such purposes, whilst such ample revenues remained in the hands of the church. How was it that the Dissenters were able to build chapels and meeting-houses for the maintenance of religion? Were the Protestants less zealous? He believed the fact was, that the exertions of the Protestants were mainly impeded by ecclesiastical regulations. He would mention the circumstance illustrative of his opinion, which had occurred in Liverpool. There was in that town a reverend gentleman of the name of Bragge, regularly educated at Oxford, who built a chapel at his own expense. He was a most excellent reader and preacher, consequently he was much followed, and brought about him an extensive congregation, from which he derived a handsome property. This vocation he continued to follow for the space of twenty years; when the then bishop of Chester sent to him, telling him he would be very happy to come and consecrate his chapel. Mr. Bragge very respectfully declined the honour. Shortly after the bishop proceeded against him for preaching in an unconsecrated chapel; in consequence of which Mr. Bragge took out a

license as a Dissenting clergyman, and continued to preach for many years the doctrines of the church of England. When he died the chapel became the property of his heirs, and now it was a sugar-house, and at present a boiler stood in the place of the pulpit. It was with these feelings that he now objected to the present proposition; and his hostility would not be diminished, even if the people were in affluence. He should, therefore, move as an amendment, "That this bill be committed on this day six months."

Mr. *Hume* seconded the amendment. He thought there never had been a measure so ill-timed, and particularly after the statement that no part of this money was to be applied for three years. Let churches be built by those who required them, and let the existing regulations with respect to building churches be revised, and there would be no necessity for calling on the public money.

The amendment was negatived, and the bill went through the committee.

VAGRANTS BILL—WHIPPING.] On the motion of Mr. *Estcourt*, the House went into a committee on this bill. On the clause for "lewdly and obscenely exposing the person,"

Mr. *John Smith* begged the House to reflect on the possible abuse which might grow out of such an enactment. To give a summary power of conviction to magistrates to punish men merely because witnesses were found ready to swear to the fact, might occasion the greatest perversion of justice. The very charge itself subjected the accused to the whole weight of public opinion, which in this country was decisive. If himself or any of his honourable friends were merely charged with such an offence, and no investigation were allowed, save the oath of an informer, they would never recover from the consequent depression of feeling during their lives. What also must be the sufferings of a respectable family, when the head of it was, on the oath of a solitary witness, accused of such an offence? The feelings of the honest and deserving classes ought not lightly to be exposed to such grievous imputations. At least they should be allowed that security which the intervention of a jury would afford them. There could be no objection, on the ground of a delay in the administration of justice, as a jury would go through the whole investigation in ten minutes. The offence was

one which admitted of various shades; but unquestionably, when it was of great enormity, it ought to be severely punished. Of the magistracy of the country generally, he thought very highly; but unquestionably, in some of the small corporate towns there were individuals in the commission of the peace, who were in the very lowest sphere of life; and it really was too much that the character of an English subject, under such peculiar circumstances, should be at the mercy of the immediate decision of one such person.

Sir *J. Newport* also objected to a summary conviction before one magistrate, and on the oath of one witness, in a case where that conviction would necessarily consign a man to infamy for life. The higher the offence, and the more dreadful the consequences of conviction, the more necessary it was that the greatest caution should be used to guard against injustice. Trial by jury would undoubtedly be the safest proceeding. No man thought more highly than he did of the character of justices of the peace generally; but this was not a case which ought to be left to the decision of a single magistrate.

Mr. *Estcourt* acknowledged, that in the first instance he was strongly against introducing this offence into the bill, and so were the committee; but, considering it expedient to obtain all the information they could upon the subject from magistrates, they found, after extensive inquiry, that some provision of the kind seemed absolutely necessary. In introducing that provision, they had endeavoured to guard it as much as possible from abuse. The offence was exclusively that of insult to a female. It had been stated by the magistrates, that the offence was so frequent, and it was so difficult to prevail upon females to overcome their natural delicacy, and prosecute the offender in a court of justice, that some summary punishment was almost indispensable.

Mr. *Monck* contended, that as the liberty of appeal was given by a subsequent clause, it could not be said that a conviction under this bill depended on the decision of a single magistrate. If any party were discontented with the decision of a single magistrate on his case, he had full power to obtain upon it the decision of a bench of magistrates, before whom he would be able to have the assistance of counsel, and to derive all the benefit which he ought from the respectability of

his character. No person had gone into the committee with a greater objection to this part of the clause than he had done, and no person had come out of it more fully convinced of its necessity.

Mr. Secretary *Peel*, while he admitted that the question was one of considerable difficulty and delicacy, supported the clause. It was only when the charge was made by a female, that the accused could be convicted of the offence; where the charge was made by a man there must necessarily be two witnesses. He was quite aware, notwithstanding all the precautions that could be taken, that it was a power that might be abused; and it would be advisable to have occasional returns laid before parliament of the convictions under the act, to ascertain from time to time, not only whether there had been any abuse, but whether there had been any suspicion of abuse? It might be also a subject for future consideration, whether or not, where the enormity of the offence was very great, it should not be liable to a punishment of greater severity.

The clause was agreed to. On the clause relative to the power of sessions "to detain and keep to hard labour and punish by whipping rogues and vagabonds and incorrigible rogues," being read,

Mr. *Monck* argued against that part of it which empowered the magistrates to cause individuals convicted as incorrigible rogues to be whipped. In his opinion, twelve months imprisonment, and the labour of the tread-wheel, was a sufficient punishment. He never would consent to any measure that savoured of torture; which the practice of whipping did. Formerly, sturdy vagrants were punished by whipping, branding on the forehead, boring the ears, and slitting the nose. All these inflictions, except that of whipping, were now done away; and that remnant of a system of torture ought also to be removed. It degraded the individual; and instead of reforming his evil propensities, rendered him more determined in the pursuit of vice. Another great objection was, that nothing was said as to the mode of apportioning the quantity. If the punishment were persevered in, some criterion, such as the breaking the skin, or the drawing of blood, should be laid down for the direction of those who administered the punishment. He concluded by moving "that that part of the clause which related to the punishment of whipping be left out."

Mr. *Lockhart* said, there was something absurd in the idea of sending to the house of correction persons who were convicted of being "incorrigible" rogues. He strenuously objected to the practice of whipping. Wherever it was resorted to, it must lead to consequences diametrically opposite to those which it should be the object of all criminal legislation to produce. Suppose a man sentenced to twelve months' imprisonment, and, in addition, to a whipping. At what time was that whipping to be inflicted? Was it to be inflicted before the imprisonment commenced? In that case, the individual would go into gaol, exasperated against society, and more anxious for revenge than for reformation. Was the punishment to be administered at the end of six months? Why, during that period the morals of the man might have been improved, he might have repented of the evil of his ways; and therefore it was unjust to punish him. It was also unwise: for that punishment would, perhaps, drive him back to his old courses. Or, was the whipping to take place at the expiration of the twelve months? There, also, the danger existed of committing an act of injustice, by punishing an individual whose moral character had been improved. If whipping was at all resorted to; it ought to be as a summary punishment. The offenders should be set at liberty the moment he was so punished.

Mr. *J. Smith* objected to whipping, under any circumstances, as a punishment that could do no good. It was absurd to suppose, that by tormenting the body, they could reform and render more virtuous the mind. Severe punishments always had the effect of exciting our sympathies on behalf of the suffering individual. The horror which his crime should elicit was lost in the recollection of the protracted misery which he endured. No one could reflect without shuddering on the torments which *Damien* and *Ravillac* were compelled to endure. However atrocious the conduct of a criminal might be, the refinement of cruelty in punishing him always excited some degree of sympathy for him. He looked upon solitary confinement as a much more effectual punishment than whipping. On this point they might take a useful lesson from their French neighbours. There 30,000,000 of people were ruled without any corporal punishment, with the exception of marking on the shoulder, and that, he believed, was done

with some sort of liquid. He had seen it performed in Paris, and the individual did not appear to feel any pain.

Mr. *Estcourt* said, that the present was an improvement on the old law. Formerly, vagrants, before they could be passed to their parishes, were obliged to undergo a whipping, and an imprisonment of seven days. By this act, however, whipping was confined to incorrigible rogues and vagrants only. That punishment was awarded, not in the hope of effecting reformation, but as a terror to others who were likely to transgress.

Mr. Secretary *Peel* said, it appeared to him that gentlemen had argued this question with reference to the general subject of whipping, instead of confining themselves to its immediate connexion with this clause. He could not coincide with those who were of opinion that corporal punishment should be entirely abolished. The knowledge of the fact that it might be inflicted for particular offences, produced a salutary terror, which checked the growth of such offences. It was not introduced for the purpose of effecting reform, but as an example to others. A learned gentleman had made a remark on the word correction as inapplicable to incorrigible offenders. The word had, however, two meanings. If it were taken to mean reform, it would certainly be absurd to apply it to those who were adjudged to be incorrigible. But here the word correction simply meant punishment. To show the necessity of having recourse to corporal punishment, he would state a fact which had occurred some time ago. The convicts in the Penitentiary had been removed on board the hulks, and were there subject to the same regulations as they had been governed by while within the walls of the prison. Those regulations, however, which answered very well in the Penitentiary, were found insufficient on board the hulks. The convicts became turbulent and refractory: they combined together, insulted those who were placed over them, and behaved badly in every respect. A bill was in consequence passed, placing them under the usual regulations that were observed on board the hulks. Those regulations authorized corporal punishment for refractory behaviour. The consequence was, that the terror of that punishment reduced the convicts from the Penitentiary to a state of perfect subordination and obedience.

Mr. *R. Smith* had no objection to visiting incorrigible rogues with this species of punishment, if those who ought to come under the denomination of incorrigible were properly pointed out. The bill now before the committee set forth three classes of persons, as coming within the denomination of incorrigible rogues. 1. Those who break prison, before the term of their imprisonment under this bill. These were certainly fit subjects for additional punishment. 2. Those who were a second time convicted, as vagrants, under the provisions of the bill. He had no objection to the infliction of the punishment in cases of that nature. 3. Persons assaulting and resisting officers, while endeavouring to apprehend them as rogues and vagabonds. To this he could not agree; because officers might endeavour to arrest an innocent man. Such an individual, in a moment of passion and irritation, might resist and assault the officers. In that case, under this third portion of the clause, he must be considered an incorrigible rogue and vagabond, though, on inquiry, it might be found, that when the attempt was made to apprehend him, he was no rogue or vagabond at all. He therefore proposed, that the words "and being thereafter convicted as a rogue and vagabond" should be introduced.

Mr. *W. Smith* said, it was true that this punishment might not reform the mind of an offender; but it would forcibly impress on his memory the inconvenience which must result from his adherence to those practices which occasioned such a painful and disgraceful visitation.

Mr. *J. Smith* was happy to learn from the right hon. secretary that his mind was still occupied with the revision of the criminal code. They had gone on, exercising a great severity of punishment, for many years, with very little effect; and he was convinced that if a milder course were adopted, much good would result from it.

The amendment proposed by Mr. *R. Smith* was agreed to; after which the House resumed.

MARINE INSURANCE BILL.] On the order of the day for going into a committee on this bill,

Mr. Alderman *Thompson* rose to oppose the Speaker's leaving the chair. The hon. gentleman, after observing upon the mass of interests which the bill affected, stated that it was the desire of parties concerned

to be heard by counsel against it. As it was certainly inconvenient to the House to hear counsel at the bar, he would move, as an amendment, that "the bill should be committed to a select committee."

Sir F. Ommamney seconded the amendment.

The House divided: For committing the bill 29. Against it 25. On the question "that the Speaker do leave the chair,"

Mr. Robertson observed, that there should be more caution exercised in infringing upon vested rights, and especially in the present case. Here was a company (that of Lloyd's Room) of long establishment, which had conducted marine insurances in the most advantageous manner for the whole country, as well as with profit and honour to themselves. They had extended and improved their establishment, until the advantages of it were felt by British navigators and merchants in every corner of the globe: they had, by their enlarged intelligence and active agency, become the centre of all information respecting maritime affairs; from them was drawn the knowledge which alone could enable any company to conduct insurances with safety: they were in possession of all particulars by which the hazards of different policies were distinguished. The dangers of particular seas, new discoveries with respect to sandbanks, by which nautical charts were improved, were delivered to them first. Their resources were such, that the two other companies, which were allowed by the act of George 1st. to effect marine insurances, were obliged to apply to this company for information to guide them in effecting policies. So far from breaking down monopoly by the present bill, it would more than ever promote it, by condensing the power of money capital, and placing the public interest at the entire disposal of the wealthy.

Mr. T. Wilson contended, that this was an improper time to meddle with the subject, and that it would ruin both the underwriters and brokers of Lloyd's. He wished the hon. member who had brought forward the measure would allow it to lie over till next session. All such measures ought to emanate from the government. The measure would create ten monopolies.

Mr. Plummer took the same view of the matter, and contended that, little losses were ever suffered by insuring at Lloyd's.

Mr. Grenfell said, the House could not take away the privileges of Lloyd's, without granting a compensation, as had been done in the case of the South Sea Company.

Sir C. Forbes spoke also against the motion.

The House then divided: Ayes 33, Noes 22. Majority for going into a committee 11. The House then went into the committee.

Sir F. Ommamney proposed, as an amendment, instead of the words "from and after the passing of this act," to substitute "from and after the year of our Lord, 2000" [a laugh]. The hon. member declared his intention of dividing the committee upon it, even if he stood alone.

The committee divided: For the amendment 12: Against it 33. Majority 21. The committee next divided on the clause for saving the rights of the two chartered companies. Ayes 37: Noes 12.

Mr. Alderman Thompson proposed a clause for rendering each partner of any insurance joint-stock company liable to the insured, notwithstanding any clause in the policy or agreement to the contrary.

Mr. Huskisson objected to the clause, as an interference with private contracts. If a party chose to take the more limited responsibility of a joint stock rather than have his remedy against each individual, he was averse from interposing against the exercise of such discretion.

The committee then divided on the clause proposed by Mr. Alderman Thompson, for compelling any joint-stock company to enregister the names of the partners in the court of Chancery. Ayes 7: Noes 30. The House then resumed.

HOUSE OF LORDS.

Friday, June 4.

WELCH JUDICATURE BILL.] Lord Kenyon moved the second reading of this bill. His lordship explained, that the object of it was, to amend the Judicature in Wales.

Lord Cawdor was unable to discover the principle of the bill. It introduced many anomalies, and he would therefore move, as an amendment, that the bill be read a second time that day six months, and that an humble address be presented to his majesty, praying him to grant a commission to inquire into the state of

the tribunals of Wales. His lordship further objected to the bill, that it was opposed to the recommendation of the committee, and he, for one, would object to placing more power in the hands of the Welsh judges until they were rendered more dignified in the eyes of the people. Lord Redesdale supported the bill. The object of it was the improvement of the administration of justice in Wales. There might be objections to some of the clauses, but the present was not the stage for discussing them.

Their lordships divided on the amendment: Contents 8: Not Contents 29. The bill was then read a second time.

CRUELTY TO ANIMALS BILL.] Lord Calthorpe moved the second reading of the bill for preventing Cruelty to Animals.

The Earl of Rosslyn was not aware of the existence of this bill, but he was far from approving of it. Under the provisions of the laws which were passing on this subject, it would soon be impossible to tame a horse. If a man were to cut a horse's tail or ears, according to this bill he would be guilty of a misdemeanour. He objected to the increase of the penal laws, and disapproved of the principle of teaching people humanity by law.

Lord Suffield wished the bill to pass, because it limited the discretion at present possessed by the magistrates. As the law now stood, a man could be fined 5*l.* for cutting the tail of his horse.

Lord Calthorpe said, there was a great distinction between compelling men by law to be humane, and preventing them from being cruel.

The Lord Chancellor disapproved of the bill, and would oppose it in a future stage.

The bill was read a second time.

HOUSE OF COMMONS.

Friday, June 4.

CORPORATION AND TEST ACTS—PETITION FOR REPEAL OF.] Mr. Hume presented a petition from the Protestant Dissenters of several denominations in Chichester, praying for the repeal of these acts.

Mr. J. Smith said, that the acts were most absurd, and a disgrace to the Statute-book. He hoped to see more of such petitions, and that, at an early day next session, the subject would be brought before the House.

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Sir J. Newport remarked, that dean Swift, when speaking of the test and corporation acts, had expressed a strong opinion, that if those laws were repealed, the Dissenters would, in a short time, succeed in overthrowing the church establishment in Ireland. They were, however, repealed in the year 1782, by one of the shortest acts on the Statute-book. It was, however, well known, that they had been productive of no such effects as those dreaded by the dean. "To show," continued the right hon. baronet, "how little was known of the repeal of those acts by his majesty's ministers in this country, I may mention that, within these five years, I was speaking to one of his majesty's ministers on the subject of Catholic emancipation, and he told me that one of his greatest objections to that measure was, that if it were carried, it would be impossible to prevent the repeal of the test and corporation acts—a measure by which the Dissenters would be enabled, in a short time, to destroy the Protestant church of Ireland. I told him, that the measure of which he spoke with so much alarm had been already carried; that the test and corporation acts in Ireland had been repealed, so far as Protestant Dissenters were concerned, forty years ago. He would not believe the fact at first, and was only convinced by my producing the statute. Such is the effect of being led by prejudice, rather than by judgment."

Mr. W. Smith concurred with the prayer of the petition; and at the same time gave notice, that soon after the holidays, he would present a petition on the subject.

Mr. Bright expressed himself favourable to the petition. The case of the Protestant Dissenters was very different from that of the Roman Catholics. The House should recollect how much of their civil liberties they owed to the ancestors of those Dissenters.

Lord John Russell thought it disgraceful to our system of laws, that such degrading stigmas should be fixed upon so highly respectable and inoffensive a class of the community.

Ordered to be printed.

EARL OF MAR'S RESTORATION BILL.] A message from the Lords announced that their lordships had passed an act dispensing with the taking of certain oaths by Mr. Erskine, previously to the passing of an act for the restoration of the title of

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which his ancestors had been deprived; and they prayed the concurrence of the Commons.

Mr. Secretary *Peel* moved, that the bill be then taken into consideration, and trusted that the House would not object to its being passed through all its stages that evening. By an act of James 1st, it had been enacted, that no person whose blood had been attainted could be restored to the rank which his ancestor had held, until he had taken certain oaths. Now, it would require the presence of Mr. Erskine in London to take those oaths; but, in consequence of his age and infirm state of health, that could not be done with convenience. The present bill, therefore, was to dispense with the taking of the oaths at present.

Mr. *Brougham* fully concurred in the principle of the measure for restoring the forfeited titles which gave rise to the present bill; but there were certain limitations in those bills which would be the subject of remark when they came before the House. He concurred entirely in the propriety of not requiring the attendance at present of the very estimable individual whose family title was about to be restored.

The bill went through all its stages, and was passed.

TRANSPORTATION OF OFFENDERS BILL.] Mr. Secretary *Peel*, on moving that this bill be committed, stated the object of it. It was, he said, to renew the Transportation act, which would expire in the present year, and to simplify some of its enactments. Formerly convicts were transported from this country to North America, and it was the practice, before the sailing of any ship, for the king, by an order in council, to appoint the particular place to which the convicts on board were to be conveyed. It was, therefore, necessary, as the law now stood, that a council should be called before the sailing of every ship; but as this might not be convenient, the present act gave to his majesty a general power of nominating the place to which the convicts should be sent, without the necessity of assembling a council for that purpose. This bill also did away with the necessity of a particular contract being entered into with every county for the transport of its convicts. It went, likewise, to regulate the treatment of convicts. Transportation was in itself a very unequal punishment. To a

married man of generally regular habits, or with a family of eight or ten children, transportation was a severe punishment; while to the young single man, of irregular habits, it was matter of not very great regret. By this bill, the government of New South Wales would be empowered to send convicts of the latter description to distant settlements within the colony, while convicts of less vicious habits and more regular conduct would be allowed to reside at or near Port Jackson. It should be known, that it was intended to make transportation a much more severe mode of punishment than it had generally been hitherto; and that that severity would be proportioned to the conduct of the convicts themselves.

Mr. *Scarlett* said, that the right hon. gentleman was introducing a new principle into our penal law, by vesting in the executive the power of increasing or diminishing the punishment. The Crown had certainly the power to remit the whole or any part of a sentence, but he objected to the principle that a sentence, not remitted in whole or in part, should be habitually modified by the Crown in the execution of it, so as to take away that certainty of punishment which was so desirable in every system of law.

Mr. Secretary *Peel* observed, that the Crown had always exercised the power of determining the place and manner of transportation. The sentence of transportation was beyond the seas; the place to which the convict was sent was always left to the Crown; and it would be admitted, that if a person transported had not been, from his station in life, subjected to labour, the punishment would be improperly aggravated by subjecting him to the labour, which, for men of another description, would not be an improper accompaniment of the punishment. But whatever might be said of this discretion, it was not given by the bill before the House; it had been previously exercised, and the arrangements which he had spoken of only tended to make it more systematic.

Mr. *Wilmot Horton* said, it had been complained, that, from the circumstances of the colony of New South Wales, the convicts employed as servants about the towns, suffered little by what was intended as a punishment. Under the arrangements now made, they would be spread over the agricultural part of the colony, and be made to labour; which would, to

the class of persons who were operated upon by the transportation laws, make the punishment more an object of terror than it now was. The convicts, too, of the worst class, would be sent to one of the dependencies of New South Wales, Norfolk-Island, where the severity would be increased. He wished to have it generally understood, that transportation would now become a severe and real punishment.

The bill was then committed.

NEW CHURCHES BILL.] On the order of the day for receiving the report of the committee on this bill,

Colonel *Davis* opposed the motion. He adverted to the returns laid upon the table of the House to show that even under the late erections, no attention was paid to the accommodation of the people. He instanced the populous places of Manchester and Bristol in support of that inference. He had no hostile feelings towards the national establishment, of which he was a member; but he felt persuaded, that in guarding against such a profligate waste of the public money, he best proved his respect for its character. He then moved as an amendment, "that the report be received upon that day six months."

Mr. *Leycester* supported the amendment. It was pastors and priests that the people wanted, and not edifices of brick and mortar. The people sought for spiritual bread, and the chancellor of the Exchequer gave them a stone. He objected to such demands from a richly endowed church upon their dissenting brethren. It could leave no other impression on the people, but a conviction of the cupidity of our establishment.

Mr. *B. Cooper* defended the bill, as the best means of assisting the national church, and preventing the continuance of that want of accommodation which tended to wean so many from the established church and fill the congregations of the Dissenters. He had heard with regret the term profligate expenditure of the public money applied to the measure. That appeared to him most extraordinary language—and only applicable to brothels. If the law permitted Dissenters to sit in that House, good sense and good taste should induce them not to speak in such unmeasured and inappropriate language.

Mr. *Hume* deprecated the language made use of by the hon. member. He defended the conduct of the Dissenters,

and contended for the right of that body to deliver their sentiments upon the church establishment whenever they pleased; unless, indeed, they were to be fleeced of their money without complaint. He strongly opposed this bill, as tending to make the clergy less useful than before, and to encourage a profligate expenditure of the public money for partial purposes. This work ought to be effected by private contribution, and he would not vote one shilling of the public money for it out of the pockets of the Dissenters and Catholics. No parish in England ought to receive a shilling of the grant, unless it was proved to be unequal to the expenditure. It was in vain to build churches unless clergymen were provided calculated to give satisfaction to their congregations.

Mr. *Carus Wilson* contended, that the measure was highly acceptable to a majority of the community.

Mr. *Hudson Gurney* asked, whether it was intended to empower these commissioners to supply the whole funds for building the churches which might be found wanting in populous districts, or whether they were simply to grant an aid to such districts, the principal expense being to be borne by the parishioners? He asked this question, because, if the first were intended, it seemed to him to be unfair to tax the country for building churches in the towns.

The *Chancellor of the Exchequer*, in answer to the hon. gentleman, observed, that the commissioners under the bill had the discretion of distributing or lending the money according to their view of the means and securities of particular parishes.

Sir *J. Newport* complained of the inconsistency of making the Catholic population of Ireland pay for building Protestant churches. The extension of the new churches in England ought to be made in a different manner from that provided by the bill. He was apprehensive that this grant would be abused here as a similar grant had been in Ireland. It was extraordinary to hear the advocates of the established church talking of the great liberality with which they treated their dissenting brethren, when it was an undisputed fact, that in France and Hungary, both Catholic countries, the pastors of the Protestant church were all supported at the expense of the state.

Mr. *Grattan* took the same view of the

subject as his right hon. friend, the member for Waterford.

Mr. *Philips* felt that it was a disgrace to the House that no grant should be made for the religious instruction of the population of Ireland, where such aid was particularly wanted, and yet that 500,000*l.* should be granted for the purpose of erecting new churches in England, in places where the inhabitants declared that such buildings were not wanted.

Mr. *Monck* would support the measure, if he thought it would conduce to the interest of the established church. He could not, however, convince himself that it was required by the interest of the establishment, and he must therefore pause before he gave it his support. He complained that the church of England had not, at present, its root in the affections of the people; and attributed its unpopularity to a want of zeal in its teachers, who, however respectable they might be in other attainments, were certainly deficient in attention to the spiritual wants of their flocks. Adverting to the manner in which the money already granted had been expended, he observed that large sums had been advanced to parishes where the inhabitants were rich; but that nothing had been advanced to parishes equally large and populous, where the inhabitants were poor. He attributed this circumstance to the regulations of the bill itself, which were exceedingly faulty. He believed that if the Methodists were allowed to build churches, and to retain the patronage of them in their own hands, it would bring back a numerous and respectable class of Dissenters to the pale of the church. In conclusion, he wished the bill to be postponed till next session, in order that the subject of it might undergo the further consideration of government.

Sir *I. Coffin*—I say, Sir, let us go on, and have the churches.

The House then divided: For the amendment 9: Against it 42. The report was then brought up.

HORSES SLAUGHTERING BILL.] On bringing up the report of this bill,

Mr. *Wynn* expressed his disapprobation of this species of legislative enactment. He thought it of very little use to insist on the knackers keeping a register from day to day of the fodder they gave their horses, as it was not to be supposed

that these men, so accustomed to cruelty, would stick to the truth.

Mr. *R. Smith* considered the measure as unnecessary. Under the bill to prevent cruelty to animals, cognizance might be taken of the offence against which this enactment was directed.

Mr. *R. Martin* said, he had been solicited by a number of highly respectable persons to introduce this measure. One gentleman, a distiller of large property in the neighbourhood of Whitechapel, where these slaughtering houses were chiefly situated, informed him, that he was obliged to remove, with his family, four miles into the country, in consequence of the disgusting scenes which they were daily obliged to witness in those haunts of cruelty. Gentlemen mistook the matter greatly, if they supposed that it was a fit object for ridicule. Had they witnessed that which he had observed with his own eyes, they would not refuse their support to the bill. He had been to see this slaughtering-house in the neighbourhood of Whitechapel. He there beheld eight or ten horses, some with their eyes knocked out, others hopping on three legs, all miserably maimed, which had upon an average been kept there several days without food. He gave the man in waiting a few shillings to procure two or three trusses of hay, which were brought accordingly. The horses, instead of their natural deliberate way of feeding, ran at the hay, and gorged it greedily, like hounds. The man who was standing by said "There now, you'd much better gi'd me the money to drink." "I would see you d—d first," was his reply; upon which the ruffian said, "that he would trample down the hay, and make it impossible for the horses to eat it." This compelled him to compromise with the fellow, to whom he gave two shillings; but he took ample vengeance upon him afterwards, by sending more than 200 letters, appointing him to come to various parts of the town to bring away dead cows and horses. Surely every gentleman ought to be anxious to save the horse that had been instrumental to his use and pleasure, from so appalling a fate. For his own part, he never allowed a horse, over which he had once thrown his leg as its owner, to be sold: and he had left directions in his will for having them shot, if his successor should attempt to do so. The hon. gentleman related several other instances of outrageous cruelty practised

upon horses which were sold for slaughter; and invited the learned member for Lincoln, who had opposed the bill on the ground of the style of its composition, to assist him in fitting it for the approbation of parliament.

The bill was ordered to be re-committed.

HOUSE OF LORDS.

Wednesday, June 9.

GAME LAWS AMENDMENT BILL.] Earl Grosvenor rose to introduce a bill for amending the present Game Laws. After expressing his regret, that the bill on this subject lately introduced into the other House had not passed, the noble earl stated that he thought it was the duty of his majesty's ministers to bring forward some measure calculated to settle a question of so much importance to the good order and morals of the country. Since, however, that had not been done, he had resolved to propose to their lordships the adoption of a measure which did not interfere with the state of the game laws generally, and which went no further than to repeal a number of statutes by which the sale and purchase of game was prevented.

The Earl of Lauderdale did not object to the measure, but regretted that his noble friend had brought forward the bill at so late a period of the session.

Lord Suffield approved of the noble earl's bill as far as it went. His only objection was, that it did not go far enough. The noble lord then specified several objects which he wished the bill to embrace, and intimated, that if nothing effectual was done this year, he should consider it his duty to bring forward a measure next session.

The Earl of Limerick supported the bill.

The Earl of Carnarvon also supported it, though from the state of the population of the country he did not expect that the measure would have all the effect which some noble lords expected from it. He approved of the repeal of the statutes to which his noble friend had alluded; for the laws against the sale and purchase of game did not prevent the offence of poaching.

The Earl of Liverpool regretted, that the bill had been brought in at so late a period of the session, and thought it would be better to postpone it to next year.

The bill was then read a first time.

HOUSE OF LORDS.

Thursday, June 10.

IRISH POOR.] The Bishop of Raphoe rose to call their lordships' attention to an important petition which he had to present—a petition which afforded satisfactory evidence of the harmony in which his majesty's subjects lived in that part of Ireland whence it came; namely, the parish of Kilmore, in the county of Armagh; for it was signed by the rector, the curate, the churchwardens, the Roman Catholic and Dissenting ministers, and a great part of the inhabitants. The object for which the petition prayed was, that their lordships would pass a law to enable the inhabitants of any parish in Ireland to maintain their own poor. The petitioners did not, however, wish that the enactment should be imperative. As the law now stood in Ireland, the poor, suffering from the infirmities of age or sickness, obtained no support but such as they might derive from the spontaneous charity of individuals, or from benevolent institutions. He should be doing great injustice to the Irish people, if he did not acknowledge that they possessed a charitable disposition; but it was notorious that, notwithstanding the general exercise of charity, the extent of misery did not diminish. Though an alteration in the law was therefore desirable, he was, at the same time, ready to admit, that the introduction into Ireland of the system of poor-laws established in this country was by no means practicable; and if practicable, would by no means be desirable. The dread of the introduction of that system was consequently ideal; and he trusted that their lordships would not allow any apprehension of that kind to prevent them from giving their sanction to a measure of so much practical utility as that for which the petitioners prayed. Parish vestries in Ireland had frequently attempted to supply the wants of the industrious poor; but there existed no law by which they could properly accomplish that object. All that the petitioners prayed for was, that the power of attending to the distresses of the poor might be made, not a compulsory, but a legitimate part of vestry business. In the present state of the law, if a rate were to be agreed to at a vestry meeting, any of those fomentors of village discords with which the country abounded might oppose it, and render it nugatory. If the plan of every parish making a voluntary

provision for its own poor were adopted, it would powerfully counteract that extensive vagrancy with which Ireland was at present so grievously oppressed. The present system formed a great officina of pauperism, and mendicity and vagrancy were consequently always on the increase. There was a great emigration of the male part of the Irish poor to this country in quest of employment. This had often been a subject of complaint; but these emigrants in removing left a great evil behind them in Ireland; for their wives and children remained in a state of complete destitution. To put a check to the misery which the present growing mendicity produced, was the object of the petition.

The Earl of *Limerick* was greatly surprised that the introduction of such a measure as that recommended in the petition, should be proposed in their lordships' House; and he was still more surprised when he considered the quarter from which it came. That the establishment of a system of poor-laws should at this time be proposed for Ireland, was truly astonishing. He spoke in the hearing of many noble lords from that country, and he appealed to them whether they were not convinced, that such a proposition was calculated to spread horror and alarm from the apprehension of the consequences which must attend the adoption of any plan of the kind alluded to. He would, however, venture to suggest to his right reverend friend a course by which the object of his petition might be attained, without its experiencing that opposition with which the measure prayed for would be met. He had heard, that, according to the original institution of benefices, their profits were divided into three parts—one was for the incumbent; another was for the church; and the third was appropriated to the maintenance of the poor. Let this plan of distribution of the church revenues be tried before any new plan was proposed. He could not agree with the view taken of this subject in the petition; the only good thing in which was the union of the parties who had signed it.

The Earl of *Darnley*, though he did not approve of the object of the petition, did not regard it with the same horror as his noble friend. He would have no objection to voluntary contributions, were the matter to stop there; but as it was not likely, that such contributions would produce much, it was probable that some

compulsory provision would finally be introduced. Without a clause of that kind the measure would not be effectual.

Earl *Fitzwilliam* disapproved of any attempt to introduce the English system of poor-laws into Ireland; but as it appeared that every person in a certain district prayed for the measure explained in the petition, he thought it might be tried there as an experiment.

Lord *Clifden* was against transferring the English poor-laws to Ireland. He agreed with his noble friend that the Church of Ireland ought to furnish from its ample revenues something towards supplying the wants of the poor.

STANDING ORDER RESPECTING JOINT-STOCK COMPANIES.] The Marquis of *Downshire* moved the second reading of the bill for establishing a Joint-stock Company to work mines in Ireland.

The Earl of *Lauderdale* wished to remind their lordships, that if they proceeded in the way proposed, they would violate the standing order which they had made only a few days ago, which required that every bill of this description, before its being read a second time, should be referred to a committee to report whether three-fourths of the capital of the company had been paid up. He would not oppose the motion.

The Earl of *Harrowby* considered the suspension of the order in the present case highly proper. The noble marquis had already proposed to except Irish mines from the operation of the standing order, which he thought ought to be done, as those works were not to be classed with the numerous bubbles against which it was the object of their lordships to guard. As, in considering the state of Ireland, their lordships had thought it right for the purpose of securing the tranquillity of that country, to overlook those great principles of legislation by which they were usually guided, so it surely might be proper, for the sake of finding employment to a miserable population, to overlook some of those principles of political economy, the general advantage of adhering to which they acknowledged. He therefore did not regret that he should be the individual who, on the same night that he had to move the passing of the Insurrection act, had also to propose the means of facilitating the progress of a bill of the nature of that now before their lordships. He certainly did not think that this bill was

one of a kind which ought ever to have come under the operation of the standing order. It was morally impossible that any great amount of capital would be wanted at the outset of such a speculation as that which the bill tended to encourage; and it would, therefore, be wrong to require such a proportion of the subscription as three-fourths to be paid up in the first instance. It was not reasonable to expect that persons entering into a project for working mines in Ireland, would be willing to divert 400,000*l.* from other purposes of trade and invest it in the funds or Exchequer-bills, where they would get only three-per cent interest, before they could possibly know that such a sum would be wanted. The noble earl concluded by moving "That the standing order be now suspended."

The Marquis of *Lansdown* expressed his full concurrence in the motion. If a few days ago he had thought that, upon the ground of peculiar circumstances, Ireland ought to be excepted from the operation of the standing order, he could not refuse his consent to the suspension of that order, for the purpose of forwarding the measure now before the House. However proper in principle the standing order might be, and however right its practical application might be in a country abounding in capital, he was convinced that it would be extremely wrong to enforce it with respect to a poor country. In Ireland, where the want of capital was so much felt, every facility to its transmission ought to be offered. But even with regard to this country, though the principle of the order could not be contested, he, with all respect for the judgment of their lordships, thought they would have done better not to have passed it. He could, indeed, see no reason why their lordships should not consider every individual case which came before them on its own merits. There could be no occasion for establishing so many general rules, unless it were wished, by their means,

"At once to get conviction in the lump,
And come to short conclusions by a jump."

The increasing of the standing orders was attended with much inconvenience. He never approved of the multiplication of the standing orders; but he confessed he should wish one to be made to the effect, that no standing order should be adopted, until it had lain for three weeks on the

table of the House, and had been read three different times at fixed intervals.

The Earl of *Lauderdale* reminded their lordships of the grounds on which the order had been adopted, and adverted to the nature of the speculations against which it was directed. When such absurd and mischievous projects were afloat, he thought it high time for at least one branch of the legislature to mark them with its disapprobation. The schemes, with respect to which the standing order operated, were very different from those companies which were excepted. The canal property of this country amounted to about 13,000,000*l.*, and not 87,000*l.* of the capital remained to be paid up. The capital of the dock companies was all paid up. Establishments of that description were under the necessity of employing a great proportion of their capital in carrying on their works; but it was not so with speculating companies.

The bill was read a second time.

[IRISH INSURRECTION ACT.] The Earl of Harrowby moved the third reading of the Irish Insurrection act.

The Earl of *Darnley* said, that nothing but the strongest necessity could have induced him to give his consent to the present measure; but undoubtedly something of this kind was necessary, and the necessity would continue unless the House would agree to probe the various evils of Ireland to the bottom. Whatever was done would be useless, unless it was bottomed on the great principle of making every individual in that country equal in civil rights, let his religious opinions be what they might.

The Marquis of *Lansdown* said, that he found himself compelled to give his assent to the motion; and he should give it with even greater reluctance than he now did, if he felt that it was a measure for the security of the rich only; but he had all along felt that it was the duty of the legislature, with a view to the interest of the poor as well as the rich, to maintain the tranquillity of the country and the security of property: for as many of the evils of Ireland arose from the small portion of wealth in that country, what would be the state of it, if persons of wealth were compelled, from the insecurity of life and property, to withdraw and become non-residents? He would, next session, propose an extension of the inquiry, not to the whole of Ireland, but

to the districts where the Insurrection act had been in operation, as well as in those where it should be in force at the time.

Lord *Holland* said, that, after the repeated discussions on this measure, and the almost unanimous agreement of the committee in recommending the renewal of it, together with the concurring opinion of persons whom he had been accustomed to look up to with deference, he did not mean to press upon their lordships the objections to this measure which he deeply felt; but he should avail himself of his privilege of recording on the Journals his reasons against it. His objections to the bill were not founded on any doubt which he entertained of the disturbances in that country, but were such as were expressed by a member of that House nearly 30 years ago (then sir L. Parsons), that so far from such measures tranquillizing Ireland, they tended to perpetuate the disturbances which they pretended to allay. He objected to the bill, because it tended to make the gentry and magistracy look to the violation, instead of the maintenance of the law, for their security; and because it taught the wretched peasantry to regard the laws as a conspiracy of the rich against the poor. He admitted, that the administration of this law might be temperate and moderate, and that ministers by this inquiry had opened the door to a glimpse of hope for better things; but nevertheless, he would not give his consent to a measure which was a violation of all law, and was nothing more nor less than establishing a despotic government.

The Earl of *Harrowby* said, that in omitting to make any statement to their lordships on introducing this bill, if he had been to blame it arose from a mistaken conception of his duty. Considering the composition of the committee, having for members of it many noble lords on the other side, and many who had great properties in the country, he had thought it best to leave the bill on the recommendation of that committee, without the expression of his own personal opinion. It was not his opinion, nor that of any noble lord on the committee, that this measure would tranquillize Ireland, or that it should make part of the permanent law of the land. It was a temporary evil to which they must submit, for the purpose of obtaining a permanent good.

Lord *Prudhoe*, notwithstanding all that he had heard, could not give his support to the bill.

Lord *Gort* supported the bill.

It was then read a third time.

IRISH TITHES COMPOSITION AMENDMENT BILL.] The Earl of Liverpool moved the order of the day for the second reading of the Irish Tithes Amendment bill.

The Earl of *Kingston* objected to the bill as a measure which was calculated to give the clergy whatever incomes they may be pleased to ask for, and to place them in a better condition than they were at present.

The Bishop of *Limerick* [Dr. John Jebb] rose, and addressed their lordships as follows: *

My Lords, I rise to give my humble support to the bill now before your lordships. I do so, because it is calculated to give increased efficiency to the Tithe Composition act of the last session. A noble earl opposite, indeed, has stated that the tendency of this measure is, to allow the clergy of Ireland whatever incomes they may please to ask, I would only observe, that the provisions of the act of last session precisely define a certain limit, beyond which it is impossible for any clergyman to go; namely, the average of seven years next preceding the agreement; and that the present bill, instead of increasing, diminishes the possible income, by that clause which takes away from the commissioners or umpire, the power of raising the amount of composition, settled by private agreement, to the seven years' average. But, though this clause is unfavourable to the clergy, though it cedes that which may be fairly considered their right, I do not, on this account, feel myself authorised to oppose the bill. The act of the last session has already been successful to a great degree; a degree extraordinary, and beyond what could have been expected, when we consider the short time allowed for its operation, the complicated interests necessary to be consulted, and the various technical difficulties arising from that complication. Those difficulties the bill upon your lordships' table will effectually remove: and I own myself desirous it should pass into law, because I am satisfied it will be advantageous to the peasantry, advantageous, to the landholders, and not disadvantageous, in the end, to the clergy of Ireland.

But this, or any other legislative enact-

* From the original edition published by T. Cadell, in the Strand.

ment, however valuable in itself, cannot in itself be sufficient to place Irish ecclesiastical affairs upon their proper footing. Serious obstacles must be previously removed. False impressions are abroad, respecting the character, the conduct, and the usefulness, of the Irish clergy. Until these false impressions be removed, until the truth and justice of the case be felt and admitted by the House, and by the public, your lordships will legislate in vain. In hope of contributing somewhat toward this object, I shall speak more at large, than the present question, at the first view, might seem to demand; under the conviction, that, in no other way can I so properly support the bill now under consideration.

During the course of this session, I have sat and heard in silence many attacks on the Irish branch of our united church; but, though silent, I have not been inattentive; nor, new as I am in this House, and unversed in parliamentary usage, was it by any means my intention to suffer, what I did consider, and am still obliged to consider, erroneous assertions, to pass without reply. I merely waited for a fit occasion; the present seems to me that occasion: the only one, perhaps, that may be afforded before the session shall close. And, while I regret that the portion of our church with which I am more immediately connected, I mean the province of Munster, has not, at this crisis an abler representative in this House, I confess myself not materially apprehensive for the consequences. The honest confidence arising from a good cause will more than counter-balance the sense of my own deficiencies; and I have much reliance on that generous feeling which in this House, is ever prompt to give a fair hearing to those who have, been calumniated and traduced. Nor is this my sole reliance. In the first place, I rest my hope on that divine Providence which hitherto has been our support in difficulty and danger; and then, I look to the good sense, the good feeling, and the sober judgment, of the British nation. That judgment may, from circumstances, be warped for a little time; but it has a self-adjusting power which, in the end, invariably restores it to its upright and unbending rectitude. Already the public is beginning to question those calumnies, which, from the frequent and unblushing repetition of them, it had been seduced to believe. The enemies of our church have

ver shot the mark; whatever may have been their motive, for this we are their debtors. A revulsion is taking place. Persons of the highest independence and respectability, various in their political views and connexions, but unanimous in anxiety for the best interests of the country, and for the support of sound religion, as the best guardian of those interests, begin to discover for themselves, that the public mind has been abused; and the desire for authentic information is daily gaining ground. In justice, then, to those distinguished persons, to this noble House, and to the public at large, I feel it my duty to state what I know to be the truth; and if, in the discharge of this duty, I can do the least service to the cause of religion and my country, I shall feel myself abundantly over-paid.

In meeting the charges brought against the church establishment in Ireland, I have not solely, or chiefly, in view, what may have passed in this House. Much has been said out of doors, which must have acted upon those within; and, however undeserving such language may be of serious notice, that vindication would be incomplete, which did not advert to it in some degree.

The charges themselves may be reduced under two heads. In the first place, vague and general assertions, which, from their indefinite, intangible nature, could not readily be met; and which have been reiterated in every form, and circulated through all possible channels, with a perseverance worthy of the best cause, and, I am sorry to add, with a malignity not unsuited to the worst. In the next place, individual piecemeal charges, usually preferred in the shape of petitions, in this House, and elsewhere, against absent ecclesiastical persons, without notice given, and without opportunity afforded, to themselves or to their friends, of making timely defence. I would not here be understood to cast the slightest imputation on those who have presented such petitions. I am willing to give them credit for simply intending to discharge a duty. One noble earl in particular, I beg leave to thank, for the candour and openness with which he has done me the honour to communicate with me on this subject. But I most solemnly protest against the modern usage, rather, perhaps, against an ancient usage restored—for it was but too prevalent in the time of our first unhappy Charles—that practice, I

mean, which converts the wholesome right and privilege of petition, into the vehicle of private calumny and scandal; into what I can call nothing less than a privileged mode of libel; clothing, as it does, the most unfounded statements with the dignity and authority of parliament, and thus giving them a passport to all quarters of the world, and thus securing their reception among persons who should shrink, with virtuous high-mindedness, from the contamination of ordinary libels. This nuisance, however, I believe, is likely to be abated. Many who may have, somewhat incautiously, presented such petitions, were, I am confident, not aware of the lurking mischief; and henceforward there will be a greater care than heretofore, to weigh, to investigate, and to ascertain the truth of criminative charges, before they are hazarded either in this House, or elsewhere.

For my own part, my lords, I will freely confess, that, neither in religion nor in politics am I a controversialist. In both departments, I am perfectly aware controversy has answered, and will not cease to answer, very valuable purposes. But I humbly conceive, it is not the more excellent way. I have ever been of opinion, that the best mode of encountering error, is by a plain unvarnished statement of the opposite right and truth. According to this principle, I will endeavour to guide myself, in this discussion; and if, in so doing, I must forego the pungency of agonistic debate, I am still not unhopeful, that the facts which I am prepared to adduce, will, in some measure, repay the degree of attention with which I may be honoured.

It is my purpose now to place before your lordships, with perfect unreserve, so far as I have been able to ascertain it, the present condition of the Irish church; in itself, and in its bearings on the country; in residence, and in revenue; in professional qualifications, efficiency, and zeal; in moral, social, and civil services—services reaching beyond the pale of any particular communion, and bounded only by the limitation of its means and opportunities.

In thus standing forth, the humble but earnest advocate of the Irish portion of the United Church, I do not undertake to maintain its impeccability, or its purity from all blemish. Churches, my lords, even Apostolical churches, founded on Divine authority, are still, in a certain

sense, human institutions; and, as human institutions, are undoubtedly liable to error and imperfection. I cannot, therefore, be so absurd, as to uphold this, or any other branch of our establishment, as

“A faultless monster, that the world ne’er saw.” In a society composed of frail and finite beings, it is impossible but that offences must come. That the Irish clergy have their share, I most unreservedly admit; but I do so in a sense which must apply to the members of every other church, of every other institution, of equal magnitude and standing. We have our share; all that I would contend for is this, that we have not more than our share. And I must say, that the Irish clergy are a most improving body. This I can myself attest from my own knowledge, acquired during five and twenty years of close and diligent attention to the subject. The improvement has been striking, I might almost say it has been marvellous; it has also been progressive; and I see not any likelihood of its diminution. Those in authority are becoming more and more disposed to exercise a mild, but firm and efficient discipline; those under authority more and more solicitous to approve themselves, not only to their earthly superiors, but to HIM whose commission they bear, and before whose judgment-seat they must render a strict account. This is a grave topic: and I will not pursue it further in this place. But I wish to have it distinctly understood, that I am not the apologist of any thing really amiss; that I would not diminish by a hair’s breadth the standard of clerical duty; that I would not detract a scruple from that tremendous responsibility, under which all bishops and pastors occupy the places which they fill.

I should now address myself to the subject of clerical residence. But I must previously intreat your lordships’ attention to a point equally connected with another topic; equally applicable to clerical residence, and clerical revenue. In the opponents of the church, there are indications of unfairness. In some, I am persuaded, quite unintentional; in others, I would hope, not absolutely designed. The fact to which I allude is this. The clamour at this time, is particularly loud against the non-residence, and against the enormous wealth, of the Irish clergy. Now, to all who have properly inquired (and none ought to speak on such matters

without proper inquiry) it is quite notorious, that, for many years, the state of clerical residence in Ireland has been largely improving: and it is equally notorious, that, for the last seven or eight years, clerical revenue has been depreciated and dwindling. Yet, at this very period it is, that the dearth of clerical residence has become the watch-word of our adversaries; and the enormity of church possessions, the war-cry against the ministers of our establishment. The clamour is precisely in the inverse ratio of our improvement and our declension. As we have become resident, we are proscribed under the title of absentees: as we have grown poor, we are taunted with the immeasurability of our wealth. Whether this be according to the rules of polemical equity, I do not know. But if (which I sincerely deprecate) war should ever be forced upon me, my warfare shall be waged with other weapons.

Respecting the question of residence, I am aware (for who, indeed, can be ignorant?) that most exaggerated statements have gone forth and been accredited. These statements profess to found themselves on the diocesan returns laid before parliament; which returns, it must be admitted, they do frequently misquote and garble. But, more commonly, this trouble is avoided; and the information of our most strenuous opponents is derived at second-hand, from anonymous unauthoritative publications, the character of which I am not ambitious to draw; but which, I can assure your lordships, are far better suited to the meridian of Fleet Street and Ludgate Hill, much more in their place on the counters of convicted libellers, than upon the benches of Saint Stephen's, in the purer air of Westminster. The truth, however, is, and to this point I would request particular attention, that the parliamentary reports themselves, even the best and fullest reports hitherto received, must prove fallacious guides to those who do not study them with close attention, and who are not familiarly acquainted with places and persons in Ireland. The difficulty arises, not from inaccuracy, but from want of fulness, in the several returns; and yet more from the manner in which they have been made up. The return of each diocese is given independently of all the rest; whereas a collation of each with all, would have been indispensable, in order to a fair view of clerical residence. For the clergyman

who is absent from one benefice is generally (so few, indeed, are the exceptions, that one might almost say universally) resident upon another. An instance has lately occurred in another House, which may serve to exemplify the kind of mistakes into which persons may fall, who, without any local knowledge of Ireland, undertake to draw conclusions from the parliamentary returns, respecting the residence of the Irish clergy. An honourable gentleman there thought proper to select a dignified clergyman of the north of Ireland, and hold him forth to public reprehension as a most unconscionable pluralist; as monopolizing at the same time, preferments of great value, in the diocese of Raphoe, and the diocese of Armagh. Now, what is the real state of the case? This clergyman has a christian name, and a surname. Another clergyman has a christian name and a surname. The two clergymen happen to have the same christian name, and the same surname. And from this identity of nomenclature, the honourable gentleman, without further inquiry, has brought the severest charges against a respectable and unoffending dignitary. To this fact I allude, at once as a specimen of the manner in which private character is trifled with; and as a case in point, to prove that persons unacquainted with Ireland ought to inform themselves, before they make assertions always hazardous, often not altogether reputable, to those who do not take this trouble. It is my hope, that before the commencement of next session, this inquiry will be rendered easier, by a body of diocesan returns prepared in a more full and satisfactory manner, than any which have yet been made. And in the mean time, I will say, that, so far as my knowledge extends, those clergymen who hold two benefices by faculty, usually reside on that benefice where their services are most needed; while, on the other, they invariably retain an efficient curate; and not uncommonly reside alternately on both preferments.

We have heard much, my lords, on the subject of non-residence. But what, I would ask, in the only blameable sense of the word, is a non-resident clergyman? A clergyman, I would reply, who wantonly deserts his appointed sphere of duty. In this sense, there are very few non-resident clergy in Ireland. In my own diocese there is not one. And I freely admit, that one would be too many. If

my definition be a just one (and I soberly believe it is), your lordships, I trust, will bear it in mind, not theoretically, but practically. Indeed, I am sure you will do so. From a British house of Peers, we are certain of just and equitable dealing. You will not measure the clergy of England by one standard, and the clergy of Ireland by another. No clergyman in England is accounted a non-resident, who is actively and usefully employed in parochial duties elsewhere. I only ask, and the request surely is not unreasonable, that the clergy of Ireland may be judged by the same rule.

Having thus ventured to advert to the residence of the Irish clergy, as compared with the residence of the English, I would state, that, on the best comparative estimate which I was able to form a few years ago, of the English and Irish diocesan returns, the result was certainly not to the disadvantage of my countrymen. But I am ready to distrust myself, as, in all likelihood, however unintentionally and unknowingly, a partial estimator. Therefore, I gladly resort to the authority of a distinguished native of this country: long a pillar and an ornament of the British portion of the United church: and, from his connection with the University of Oxford, particularly well informed respecting ecclesiastical affairs in England; a man whose calmness, whose judgment, and whose moderation give abundant security that he could never hazard an assertion, which he had not deliberately weighed. When I name Dr. Laurence, archbishop of Cashel, your lordships, I am satisfied, will receive his opinion with that respectful attention to which it is so well entitled. From his grace's last charge, therefore, his triennial charge, published in the autumn of last year, I beg leave to read a short paragraph:—"That the clergy in Ireland are generally resident upon their respective benefices, where residence, in the strict legal sense of the word, is possible, I am persuaded: I may even go further and assert, that many, whom the law denominates non-resident incumbents, are in fact, resident, as far as circumstances will permit, for every practical purpose of their ministerial functions. Nor, when the cases are impartially compared, will it be found, that the Irish are less resident in their respective benefices than the English clergy: on the other hand, I firmly believe, that they are more so. To this latter point I would not have

at all alluded, had not invidious comparisons been publicly made, to the great disparagement of the former."

Thus far the archbishop of Cashel: and the reasoning by which this opinion is supported, and the facts on which it rests, are so convincing, that I could wish to read much more of the context to your lordships. But I will not venture so far to trespass on your time. I would only intreat all those who wish to form an accurate judgment, to study the entire document for themselves. They will find throughout the whole, the soundest reasoning, and the most incontrovertible facts. The appendix, in particular, is among the best examples I have ever met, of calm, temperate, and manly refutation. In his own diocese, the archbishop proves that there is not an individual clergyman culpably non-resident: while, respecting the diocese of Waterford and Lismore, he takes occasion to correct a very gross mis-statement. Here I must again have recourse to his grace's words:—"As the whole province of Munster is under my superintendence, in the character of metropolitan, I cannot but feel officially, if not personally, hurt at every attack which is unjustly made on any part of it. A member of the House of Commons is reported to have urged the following statement, in support of a motion which he brought forward (March 4, 1823) to impress upon the legislature the necessity of seizing and re-modelling the property of the Church at pleasure.—'The return for the diocese of Waterford*, which I have accidentally turned to, shows, that of the rectors in that diocese, four only are resident, nineteen being non-resident; of the vicars, fourteen are resident, thirteen non-resident; making a total of eighteen resident, and thirty-two non-resident clergy. This is only one of a number of dioceses in the same or a similar situation.' "That this statement of Mr. Hume is incorrect, the parliamentary return of the bishop of Waterford, to which he professedly refers, sufficiently proves. But, in truth, he seems to have quoted this document at second hand; extracting his account immediately from the anonymous pamphlet which I have before quoted, entitled 'The Protestant Hierarchy in Ireland,' &c. He states

* "Lismore is here evidently intended. The two diocesses are united under the bishop of Waterford."

the number of benefices to be fifty; so does the author of the pamphlet; but the bishop of Waterford, in his public return, the original of both accounts, states that number to be only forty-one. Nine more, indeed, are added, but not numbered, because they are benefices without cure, or merely appropriations, and have each a vicarage endowed. Not attending to this circumstance, the writer alluded to, and Mr. Hume after him, enumerates these nine livings twice over, both as rectories and vicarages; so that, in fact, his numbers 42, 43, 44, 45, 46, 47, 48, 49, 50, relate to the same parishes as numbers 28, 39, 29, 24, 20, 15, 14, 12, 13; the former referring to the appropriated rectories without cure, the latter to the endowed vicarages with cure. These nine rectories, therefore, are complete sinecures, appropriated to churchmen; but there are twenty other rectories in the same diocese, with vicarages endowed, of which churchmen are not appropriators, but of which a wealthy peer, the duke of Devonshire, is sole impropiator. If, then, these appropriators are bound to reside upon each of their rectories, where, as churchmen, they have no duties to perform, is not the noble impropiator, by a parity of reasoning, equally bound to reside upon each of his? But, in truth, as sinecurists, neither the one nor the other have, in law or equity, any obligation of the kind annexed to the property which they possess.

“Had Mr. Hume, instead of trusting to the erroneous calculations of this pamphlet, consulted the original document, he could not have fallen into so glaring a mistake. He would have there found, that the whole representation given by the author upon whom he relied, was altogether inaccurate. He would have there found the following fair recapitulation and summary upon the point, drawn up by the bishop himself, respecting both his dioceses. ‘In the diocese of Waterford,’ his lordship says, ‘are eleven benefices with cure of souls. The clergy are all resident on their benefices, or so near as to perform the duty of them. In the diocese of Lismore are forty benefices with cure of souls. Of the beneficed clergy, twenty-four are resident, either on their benefices, or so near as to perform the duty of them. Eight are resident on other benefices which they hold by faculty; two are exempt under the provisions of the

statute, 48 Geo. 3rd c. 66; six are absent with the permission of the ordinary. There is also an endowed chapel, on which is a church, a house, and resident minister.’ Is it not here evident, that, instead of thirty-two out of fifty incumbents, six only out of forty-one are liable to be questioned for non-residence? The bishop, indeed, does not give the reasons for the absence of these six incumbents; but by reference to his previous detail of particulars, it appears, that there were no glebe-houses* upon any of their livings; and that two of the number were engaged in duties, the one as preacher, the other as vicar-choral at Lismore. I should not have been thus minute in my notice of a publication so insignificant, had not a member of the United Parliament, appeared to place implicit confidence in it; and had I not known, that it is replete with falsehood and error, calculated to deceive the unwary, upon points which it affects to develop fairly, and to detail correctly.”

So much, my lords, for the statement said to have been made by an honourable person, in another House, on the 4th of May, 1823. But, I will confess, my surprise was in no small degree excited, on reading, as, I dare say, the surprise of your lordships will be on hearing, a short paragraph, contained in a recent publication, the *Morning Chronicle* of May 7, 1824. The passage occurs in an article, professing to be the report of a speech delivered on the 6th of May, by the same honourable person, on whose statement, of the last year, the most reverend prelate found it necessary to animadvert. “In looking to the numbers of resident and non-resident clergy, he (Mr. Hume) would take up the last volume upon that subject, which had been laid on the table. He first came to the dioceses of Waterford and Lismore. He then found that there were—Resident, four rectors; absent, nineteen ditto.—Resident, thirteen vicars; absent, thirteen ditto.—Resident, one curate; making, in the whole, eighteen resident, and thirty-two absent clergy; of these were many pluralists, holding some two, some three and more livings. He mentioned this case only as one example out of many instances; and what he had to state of this single county ought to be

* “N. B. Nor churches. R. W.” With this note I have been favoured by the bishop of Waterford.

enough to satisfy the House as to the necessity of inquiry." Here, my lords, we have the same crimination, in the same words, professedly, and, for the second time accidentally, derived from the same document (though the archbishop of Cashel has proved it was derived from a very different source), and this (if the newspaper reports truly, and it has not been contradicted) brought forward in his place by the same honourable calculator, whose accuracy in the tactics of the church vies with his precision in the finances of the navy. This "brave neglect" of a refutation so triumphant, and so long before the public (the archbishop's Charge was printed, I apprehend, at the close of last October)—this brave neglect is somewhat remarkable. Did the honourable gentleman know of this refutation? Did he not know of it? If he did not know of it, the conclusion is forced upon us, that the only information which he would seem studiously to shun is—authentic authoritative information. If he did know of it, I wish to be excused from applying to such conduct its proper name.

But having spoken thus much respecting other diocesses, I should be unpardonable, if I did not say a few words upon the subject of my own. During my visitations, in the course of the last year, and by official inquiries subsequently made, I have acquired a tolerably accurate knowledge respecting the residence of my clergy. For the present, however, I shall avoid minuteness of detail; and, without any comment, read a short abstract of my last diocesan return, which will prove the united diocesses under my care to be free from all culpable non-residence. In the diocese of Limerick are benefices 51. On these benefices are clergy, actually residing 26; virtually resident and discharging all duties in person 2; non-resident, but engaged in actual duties elsewhere 15; non-resident of necessity, church and glebe-house having been burnt, but anxious to reside 1; preparing to reside in a parish, which was a non-cure, but in which a church is nearly completed 1; non-resident from old age, sickness, or infirmity 3; and vacant 3. In the diocese of Ardferd and Aghadoe are benefices 42. On these benefices, are actually resident 21; virtually resident, and discharging duties in person 2; non-resident, but engaged in active duties elsewhere 18; and, excused from ill health 1.

From what has been thus shewn, respecting the state of residence in the arch-diocese of Cashel, and in the diocesses of Waterford and Limerick, it is plain, that the strictly speaking non-resident clergy in these diocesses are very few indeed. And the state of residence in other diocesses may be fairly taken at the same average. I have only to observe that, in estimating clerical absenteeism, those of course are to be exempted, who are prevented from residing by sickness, infirmity, old age, or any other inevitable providential hinderance. And, after such needful deductions, I am quite prepared to re-assert the statement lately made by a right hon. and learned friend of mine, the attorney-general for Ireland, that there are not above twenty or thirty benefited Irish clergymen in the true sense of the word non-resident, that is, unoccupied by active clerical duty, in some one part or another of that country. This statement, indeed, has been fully corroborated in a letter which I lately received from a prelate of the highest rank, on whose authority it was originally made. For caution's sake, he has stated the number of such absentee clergymen as not exceeding thirty; and his conclusions have been arrived at, after close investigation.

But, in the charges of non-residence preferred against the Irish clergy, our accusers have not confined themselves to general assertions. It has been stated, that, instead of discharging their duties in their parishes, they are constantly to be found at Bath, Harrowgate, Cheltenham, Brighton, and other places of fashionable resort. Now, it is fortunate for us, but unfortunate for the argument, and not very creditable to the character, of our adversaries, that they have placed themselves on circumstantial ground. They are infants in the art of calumny. Proficients are well aware that their safety lies in generals; that circumstantials are always dangerous, and often fatal. And so they have proved in the present case. It has so happened, that these statements drew attention to the fact, at the various watering places of this country. I have been assured by the unsought, unsolicited independent, casual testimony, of several noblemen and gentlemen of the first respectability, that, from these very calumnies this matter became matter of frequent and general conversation, at the public places in question: and the remark universally was, that, of all classes and descriptions

whatsoever, the Irish clergy were most rarely to be found there; that the appearance of an Irish clergyman was quite an extraordinary occurrence. This has been repeatedly mentioned to me, since I have been in London; when I had by no means called attention to this topic; and by individuals absolutely unknown to each other. Thus, then, the case stands: Irishmen know the Irish clergy to be at home; Englishmen know the Irish clergy not to be in this country. The Irish clergy are not to be missed in Ireland; they are not to be found in England. The conclusion, therefore is obvious, and irresistible; that the Irish clergy are where they ought to be; at their posts, and engaged in the performance of their sacred duties.

But, my lords, the clergy of Ireland might be seen at watering places, without any neglect of their duty without any moral impeachment of their character. The law allows an absence of three months in the year, to every beneficed clergyman, who has a curate resident on his benefice. Such occasional absences I believe and know to be healthful both for mind and body; and they who are most arduously occupied in ecclesiastical duties, and professional studies, are most in need of these intervals of leisure. After such recreative pauses, a man's usual pursuits are resumed with new vigour and alacrity; for myself I must say, that, while a beneficed clergyman, I made it a rule to be absent from my parish during a short period in every year; and so far as I was at all qualified to discharge the duties of my calling, I always felt the advantage, personally and parochially, of adhering to this rule. But the Irish clergy do not commonly avail themselves of this privilege. Why? Because, my lords, they are unable—because they are poor.

And here, we have reached the much-ventilated question of clerical revenue. Few among those who hear me, still fewer, probably, of the people of this country in general, can form any adequate conception of the poverty and privations, of late years endured by the Irish clergy [hear! hear! hear! from the Opposition benches]. Yes, my lords, and I say hear! hear! hear! and I wish the noble lords who cheer would accompany me to Ireland, and there visit the humble residences of the parochial clergy, and there see with their own eyes, the shifts and expedients to which those respectable men are reduced.

One noble baron, I am sure, from his generous nature, would, on his return to this House, place himself by my side, and say to your lordships, "Listen to this prelate: what he tells you is the truth." Your lordships have heard, and this House must have been peculiarly fortunate if some of your number have not felt, the difficulties arising from the depreciation of the times. This depreciation has affected all landed property; clerical property the most of all: and that for this plain reason, that, with very few exceptions, the clergy did not raise their rate of tithe-composition during what have been called the war prices, and yet, upon the fall of prices, practically diminished this rate. Their incomes, I grant, did increase during the war; but this increase arose not from an enlargement of the acreable composition, but from the additional quantity of land thrown into tillage. The depreciation of their incomes, on the other hand, has been produced by the diminution of tillage, by the reduction of tithe-rates, by the breaking down of an impoverished tenantry, by the efforts of many landlords, and all middle-men, to preserve undiminished, their enormous rents, covenanted for at a period, when from the competition of an overflowing population, the cupidity of him who had land to let was the sole measure and limit of the sums proffered by those who must find land to take. And what has been the consequence to the clergy? My lords, from my own knowledge, I can state, that during the last two or three years, several most respectable, and not ill-beneficed clergymen have had but a nominal revenue. Yet this has been the time chosen for invectives against the wealth of the clergy. This is the time selected for the dissemination through all quarters of the land, of inflammatory publications addressed to the inflammable passions of my poor, misguidable, but not ungenerous countrymen; publications which almost exhaust the vocabulary of abuse, and which hold up to public detestation a body of men, who merit far different treatment, and who are far otherwise estimated by the people among whom they live. In these works we are told, "that the pastors of the church are surfeited; that the trains of their wives are borne by pampered slaves; that the crowd of their offspring is followed by a splendid retinue; that the church establishment is preposterously, insultingly, rich; that it is a mighty reser-

voir, an omnivorous church; that it is weighed down by a golden plethora; that it is sinking under an idle and invidious load of wealth." The envy of the factious and the disappointed, I cannot presume to fathom; the extent of anarchical appetency I am not ambitious to explore. But this I know that, bishop as I am, I have never in my life felt symptoms of this golden plethora; nor for myself, nor for my right reverend brethren, am I in the least apprehensive of a pecuniary apoplexy.

Some, indeed, of the Irish clergy I know, who, but for their own private fortunes, which they bountifully spend, could not maintain themselves in the church. Others, I rejoice to call my friends, men devoted to their calling, yet qualified to move in the most exalted sphere, men respectably, sometimes nobly, allied, who, with benefices nominally of large value, have not only been obliged to put down their carriages, and resign those moderate unostentatious comforts to which they were habituated from early youth—but who find it matter of difficulty to educate their children and to provide the common necessities of life. Yet, these men are not chargeable with any extravagance either of themselves, or of their families; they have not in their expenditure surpassed the bounds of prudence; except perhaps (but you will forgive them this wrong) they may have somewhat exceeded in bounty to the poor. This defalcation of income, I trust and believe, is only temporary. Clerical property, like other property, must find its level. But the animus and the object of our opponents may be appreciated by the seasonableness of their attack. It will be kept in mind, that the riches of the church have been denounced not in "the time of our wealth," but in the "time of our tribulation." If we had the enormous property with which we have been charged; if we did labour under the atrocious crime of great riches, then, I am apt to think, our adversaries would be less sanguine than they seem to be, in their hopes of annihilating the established church in Ireland. But, in truth, my lords, the agitators egregiously deceive themselves. Though poor we are not forsaken, a British king, a British House of Peers, a British House of Commons, I will add a British people—all habituated and attached, and bound by the most sacred ties, to the one reformed episcopal church established in Ireland no less than

in England, will not suffer either branch of it to be rudely and sacrilegiously torn away. I am not apprehensive, my lords. The church will survive the clamour of its foes. It has every thing to hope from the spirit, and the consistency of its friends.

The amount of church revenues in Ireland, whether episcopal, clerical, or in the hands of lay impropriators, has never been exactly ascertained. And why? Because there are no authenticated vouchers. And why are there no such authenticated vouchers? Because, hitherto, there has been no inquisitorial scrutiny into these revenues. And I trust, my lords, that no such inquisitorial scrutiny will ever obtain the sanction of this House. There is a canon laid down by my great countryman Mr. Burke, which, by all British legislators, should be held little short of sacred: "more or less is treason against property."

The justice of the case is plainly this. If churchman or if layman, if parson or if landlord takes or demands more than his legal right, the extent of that right is matter of fair judicial inquiry, and, however unwilling he may be, the law will, as it should, compel this person to disclose the secrets of his property. But, that the aggregate of the personal or real property of any selected class of his majesty's subjects should be scrutinised, with the further purpose in view, that it may be swept into the public treasury, or conveyed into the pockets of some other class of men, or diverted in any way whatsoever from its legitimate appointed purpose—this, my lords, I do not hesitate to say would be spoliation the most unprincipled the most unconstitutional; this principle, rather I ought to say, this dereliction of principle, once admitted, there would be an end to the security of all property of every kind. No man could go to rest with the assurance of handing down to his posterity, those possessions which he has derived from a long train of ancestry; no man could rationally indulge the hope, that through the honest earnings of a long laborious life, he might himself become the founder of a family.

But, while I thus protest against inquisitorial scrutiny, I beg it may not be considered that I am studious of concealment. On the contrary, I must say, that, for honest not for revolutionary purposes, I could be well content, if the clerical property of Ireland, and the lay property of Ireland, were fully and accurately known.

In having a correct estimate of the former, we should be able to pronounce with certainty, respecting a given amount of income, that it is expended, that it must be expended, that we can legally provide for its being expended, at home. Respecting the expenditure of lay property, we have no means of arriving at any such comfortable conclusion.

I am quite willing, therefore, so far as my knowledge extends, to enter on the subject of church property. And, in the first place, a few words for episcopal property in Ireland. The archbishop of Cashel, then, has publicly stated, that by accepting what was liberally proposed by certain modern reformers, as a curtailed income for archbishops of 8000*l.* per annum, one archbishop (meaning himself) "would find his revenues considerably augmented." I am enabled to add, from unquestionable authority, that, excepting the lord Primate, all the archbishops of Ireland can make a similar statement. And no friend of the church, or of constituted authority, could wish the primacy of Ireland to be so limited.

Respecting the suffragan bishoprics of Munster, I can speak with tolerable accuracy. The value of some is known to me; the value of others I can pretty nearly arrive at, from observing the course of episcopal translations, and applying the obvious principle, that men will not voluntarily exchange a better income for a worse. And I can safely affirm, that not one of these bishoprics exceeds in yearly value the sum of 5000*l.* while some are materially under that amount. My own bishopric is one of the higher order; and I should be a considerable gainer, if my annual income were fixed at 5000*l.* Respecting one other bishopric, which though not in the province of Munster, is in the southern division of Ireland, I mean the see of Ossory, I have not only been authorised but commissioned by the bishop, to state, that, during the eleven years of his occupancy, that see has not netted, on an average, the amount of 3500*l.* a year. And I know there are bishoprics of yet inferior value.

The average yearly income of archbishoprics and bishoprics, in Ireland, taken together, was lately computed in another House, by an hon. and learned gentleman (member for the county of Louth), whose accuracy in acquiring, and whose precision in communicating, numerical information, have never been ques-

tioned, at 5000*l.* This I believe to be a fair computation: rather, perhaps, above than below the fact. Let this now be compared, if comparison be possible, with the vague, fluctuating rumours of our adversaries. I myself have heard persons in political life, some of them members of parliament, not uninformed on other subjects, and by no means hostile to the church, declare their belief, in perfect simplicity and good faith, that Irish bishoprics varied in yearly value, from fifteen to twenty, thirty, and so much as forty thousand pounds! Such has been the credulity of the public; such the advantage to a bad cause, of frontless pertinacity in misrepresentation.

There is one circumstance in the case of Irish episcopacy, to which I would request particular attention. In Ireland we have no commendams. The single instance I know of, approaching to this arrangement, is the perpetual union of the deanery of Christ church Dublin, with the poor bishopric of Kildare. A union advantageous to the church, and serviceable to the discipline of that diocese: for thus, a sufficient income is provided for the bishop second in rank, and ex-officio a privy counsellor, in Ireland; a place of residence also is provided, there not being any palace or cathedral in the diocese of Kildare; and that residence is more conveniently circumstanced for full and frequent intercourse between the bishop and his clergy, than any residence could be, within the diocese itself, the city of Dublin nearly bordering on the diocese of Kildare, and forming a sort of common centre for the whole of it. The system of episcopal revenue in Ireland, is, in this particular, much preferable to the system which obtains in England. Here the income of many, I believe I may say most, of the sees, being notoriously too small to maintain (not the splendor, for splendor is not sought) but the decent respectability of a bishop's rank and station, it is matter of necessity, that benefices or dignities, with or without cure of souls, should be annexed; an arrangement obviously at war with strict clerical residence, and unfriendly to the uniformity of parochial discipline. In Ireland, on the contrary, each bishop is supported solely by the revenues of his own see. The maintenance, indeed, is not overgrown; in some few instances, it is rather insufficient; but, on the whole, it is suitable to the character of episcopacy, and to the

secular rank which our episcopacy holds in the state. One advantage (and it is a great one) arising from this mode of provision is, that it promotes, or is, at least, calculated to promote, the residence of our bishops within their respective sees. How well it fulfils this purpose, we may infer from the exemplary residence of the Irish bishops as a body. I will make no exceptions; for I know not of one.*

It has of late been frequently said, that the episcopal estates in Ireland, "if properly let," would amply maintain the whole church establishment in that country; and, on this ground, it has been equitably proposed, that tithes should be abolished; that is, should revert, not to the Crown, not to the poorer occupants of the soil, not, as some would contend, to the consumers of the produce of the soil, but to the landlords, who would make the occupant pay much more in the shape of rent, than he now pays in the shape of tithe. But I return to this goodly scheme. The produce of the bishops' lands "properly let," that is, if there be any meaning in the proposition, let at their full value, is to be parcelled out among the parochial clergy; equalised I presume, upon the Scotch model. One simple question only, I would ask these liberal dispensers of a property not their own—Have they considered at whose cost this reform is to be effected?—Not, certainly, so far as respects four-fifths of this property, at the cost of the bishops; but at the cost of lay-proprietors; at the cost of a most respectable tenantry; at the cost of many of the first nobility and gentry; who, for the space of two hundred years and upwards, have enjoyed most beneficial interests under the bishops of Ireland.

It may not be amiss that I should here explain how the bishops' estates are leased, and how renewed in Ireland. This subject is, in this country, very imperfectly understood; and a right understanding of it cannot fail to remove many existing prejudices. The leases run (with a few trifling exceptions) for one-and-twenty years. The rents are very low; sometimes almost nominal. The renewals

are annual; the tenants each year surrendering their leases and taking out new ones. The fine is usually fixed at one-fifth of the value of the lands, after having deducted the reserved rent; that is, on a calculation, which, according to sir Isaac Newton's tables, allows the tenant eight per cent on his renewal fine. And this beneficial interest is, in fact, unless the improvidence or the perversity of the tenant prevent it, a permanent property; as permanent as any other estate whatever.

From this plain statement, it is obvious that the bishops cannot, in the nature of things, possess enormous incomes. The rent, as I have stated, bears a very small proportion to the value. After deducting this rent from the value, the utmost which a bishop ever takes in the shape of fine, is one-fifth of the remainder: four-fifths, accordingly, rest with the lay tenant. Raise, therefore, the income of the bishop as high as you please, and you must, with the deduction of a small, fixed, and unincreasable rent, raise the income of his lay-tenant in the proportion of four to one.

But it is objected, that the bishops may refuse to renew; or, as it is familiarly said, may "run their lives" against the tenants' leases. In the first place it may be replied—this is not their practice; the bishops are always ready, willing, desirous to renew. But I will prove it morally impossible that they should run their lives. The renewal fines taken by the Irish bishops, in most instances, greatly exceed half the revenue of the see. But, for argument sake, and to allow the utmost advantage to the opponent, I will assume the fines to form but half the income. Now these fines, on this reduced estimate, amounting to half his yearly revenue, the bishop who wishes to see his leases out, must forego for the space of twenty years. This he must do, at the risk of his intermediate death; and (considering the period of life at which men commonly attain the rank of bishops) the risk is not inconsiderable. To cover it, he must insure his life, at the expense, we will say, of 1000*l* a year. Let us now see how the case stands. I will take the yearly revenue of the see, at Mr. Leslie Foster's average of 5000*l*.—deduct fines 2500*l*, Insurance premium 1000*l*, and there remains to the bishop 1500*l*. Thus, for the space of twenty years, our imaginary-bishop (for where in real life can such a bishop be found?) would voluntarily re-

* It is somewhat remarkable, that, for a solitary example of Irish episcopal non-residence, our adversaries are obliged to travel back a period of twenty-one years. Frederick, earl of Bristol, and bishop of Derry, died July 8, 1803.

duce his income from 5000*l.* to 1500*l.* a year. And for what object? That, at the end of twenty years of poverty, he and his family after him may enjoy the whole revenues of the see? By no means. A moiety of the value must, by act of parliament, be reserved to the episcopal succession. A moiety, therefore, only, can remain to the bishop's personal heirs. But even of this moiety, one-fifth must be paid by the heirs in perpetuity, as a fine, in order to make their interest permanent. And is it, then, this remote chance of a reversion at the end of twenty years, not of the whole estate, but of two-fifths of it,—is it this uncertain, problematical, fractional vista, seen through the dimness of advancing years, which shall induce a man of sense, of education, of fair acquaintance with the world, to compromise his character, and bring down on himself and his posterity the maledictions of a ruined tenantry? Is it credible that any one man could be so absurd? This, however, is a question not respecting one man, but two and twenty men. And that any twenty two men should form a conspiracy, thus to impoverish, thus to degrade, thus to send themselves down with infamy to the grave, is a supposition so utterly beyond belief, that I can waste words upon it no longer.

The estates of the Irish bishops, then, are to all intents and purposes, so far as respects about four-fifths of their value, the property, not of churchmen, but of laymen. This derivative interest has passed from father to son, under the moral certainty that from year to year it will be renewed; and each annual fine is paid on the supposition and mutual understanding, that the tenant thereby purchases, not only the present renewal, but the prospect of future renewal for ever. The notion cannot, therefore, for a moment be admitted, that the legislature ever will agree to confiscate this undoubted property of the lay nobility and gentry of Ireland.

"But," say the partitioners of property, "we will not confiscate the lay proportion of the bishops' lands; we will not injure the tenantry; we will take from them a fair rent; and apply that rent as a substitute for the grievous burthen of tithes." Well, then,—I would ask these gentlemen two short questions. Will you take more than the bishops take? will you take less? If less, you will diminish, not augment, your proposed sum for the pay-

ment of the clergy: if more, you will rob the present tenantry, and their heirs and representatives for ever.

But, my lords, I am not apprehensive. With this property the legislature will not intermeddle, because it is a just and equitable legislature: with this property the legislature will not intermeddle, because it is a prudent and forecasting legislature; because it is well acquainted with the inevitable consequences of public injustice; because it is accustomed to anticipate the future, from experience of the past. We have heard much, indeed, of the difference between church property and lay property. I admit not the distinction. I stand on the ground of ancient, prescriptive, unalienable right. I protest against the untried theories of these untried visionaries. But this I will say, that, if I were advising the anarchical enemies of the whole existing order of things, how they might best confound and destroy property altogether, I would tell them to begin, by unsettling the property of the church. From the vast complication of interests here involved, from the intermingled rights and claims of laity and clergy, from the ramifications which the church has sent forth into all departments of lay proprietorship, I have not the least doubt, that, if church property were unsettled, society would be shaken to the centre, its ancient landmarks borne away by the convulsion, and the ruin of all existing proprietors would inevitably follow. Let us look to the course of these matters in France. The example of France, in re-modelling the church, has been held forth as a pattern worthy of imitation. To this example, therefore, I do the more readily appeal. How, then, did they begin in France? with the confiscation of church property. How did they proceed in France? to the confiscation of lay property. Where have they terminated in France? in the abolition of primogeniture: in an Agrarian law. Let landed proprietors in Ireland, let landed proprietors in England, look to this example—and let them beware.

But enough respecting bishops: I proceed to the property of the other clergy; and first of the deans and dignitaries. And here some explanation may be useful. In conversing with natives of this country, well versed in English ecclesiastical affairs, I have generally observed a tendency to judge of Irish institutions by English usages. For example, in Eng-

land and Ireland, there are deans and dignitaries, bearing in each country the same titles: and hence, it has been at once concluded, that their mode of provision and sphere of duty are also the same, or similar. But the case is far otherwise. English deans and dignitaries are, as such, for the most part, sinecurists, with respectable estates in land. Irish deans and dignitaries, on the other hand are, as such, for the most part, working clergymen, with cure of souls; their income generally arising from the tithes of the parishes which form the corps of their dignities, and on which they are bound to reside, like any other of the parochial clergy. It is, indeed, a strange anomaly, but so the fact stands, that, in several diocesses, the dignitaries are among the poorest of the clergy; for this simple reason, that, in times of unsettlement, their estates were made away with; and their parishes (the smallest portion of their income) alone remained. Thus (I mention but one or two, out of numerous examples), the deanery of Kildare is worth about 100*l.* per annum; the deanery of Emly, worth about 150*l.*; the archdeaconry of Kildare is worth—nothing; the archdeaconry of Raphoe worth—nothing. Of these last-mentioned titular dignities the estates long since disappeared; and, it is presumed, they never had parishes annexed. One other dignity, of somewhat larger value, I will mention—the chancellorship of Cork. The present worthy dignitary is, perhaps, on the prescription-list of our church reformers, as an egregious pluralist; and, on paper, a considerable pluralist he certainly appears to be. He holds a union of six parishes: St. Nicholas, St. Bridget, St. John of Jerusalem, St. Stephen, St. Mary, St. Dominick. Now, each of these parishes should, according to the doctrine of to-day, have its own parish minister. But, how stands the case? The chancellor of Cork derives from these six parishes, an income of 260*l.* per annum. And what is the extent of these parishes? The parish of St. John of Jerusalem is—a distillery; the parish of St. Dominick is—a sugar-house. The magnitude of the remaining four parishes is somewhat in the same proportion. This, in truth, is a union, not of populous districts, but of old religious houses. So much for the value of conclusions drawn from unexplained returns.

But there is another class of dignitaries so called, respecting whom a word must

be said. I mean the rural deans. Of this body we have heard much. They have been repeatedly brought forward, as contributing to swell the pomp and dignity of the episcopal retinue, as drawing large revenues from the oppressed population, as constituting one great division of the enormous staff of the church. Now what in reality are these portentous rural deans? My lords, they are simply six or eight of the parochial clergy in each diocess, selected on account of their good character, or appointed in rotation, to discharge the laborious, invidious, and unpaid duty, of visiting and reporting upon every parish in their respective districts. Every year, previously to the bishop's visitation, and at as many other times as the bishop may require, they inspect the glebes and glebe-houses; the church-yards and churches, the vestments, the books, the communion-plate and linen, and all things requisite for the decent celebration of divine service. On all these particulars, they make a special report; as, also, on the condition and regularity of parish registers; on the residence and attendance at church of the officiating clergy; on the number of communicants, whether monthly or at the great festivals; on the time set apart for the catechetical examination of young persons; and the numbers actually catechised in church. Such, my lords, are our Irish rural deans, and such the duties which they perform. And it appears, that these idle and useless staff-officers, in addition to their ordinary duties, undertake this charge, which implies much labour, much travelling, sometimes no trivial expense—without any other recompense whatever, than the consciousness of being usefully employed.

The incomes of the parochial clergy, it is somewhat difficult to ascertain. From the great irregularities of Irish payments, they are themselves frequently unable to calculate what they shall probably receive in any given year. From these, and other circumstances, materials are not in existence whence to form an exact average of clerical income. Availing themselves of this inherent difficulty, our adversaries have swelled, at their own discretion, the nominal revenues of our poor parochial ministers, varying the amount as they found their statements too strong to go down. At first they assumed an average of 800*l.*; then, by a single evolution of their calculating ma-

chinery, they bring out an average of 500*l.* per annum. But we have a surer ground of computation. At the beginning of the present year, about 80 parishes had compounded for their tithes, under the act of last session. The average income of these parishes was about 400*l.** But then, they were parishes of the higher order; and we should take a lower average for the benefices throughout Ireland. On this subject, I am, of course, not prepared to speak positively. But, from the best information I have been able to procure, it is my opinion and belief, that, including the curates (whose salaries, varying from 75*l.* to 100*l.* per annum, are deducted from the receipts of the beneficed clergy), 250*l.* would be a fair average income. In the year 1786, bishop Woodward calculated the average at 140*l.*: and in stating an increase, since that period, of eleven twenty-fifths, I have more than made allowance for any intermediate increase of tillage, and advance of prices. On the whole, I can affirm, with full assurance of correctness, that the parochial clergy of Ireland are by no means overpaid. And I will add, that, in their general conduct and dealing, they are by far the most moderate class of proprietors we have. If any thing, they carry indulgence to a fault; especially, in giving long credit, to their own great loss and the ultimate disadvantage of the people. What they receive, is considerably below their just right; and I am prepared to show, that they give ample value in return.

In considering the value given for their incomes by the clergy of Ireland, I wish in the first instance, to call attention to a fact, perhaps not generally known; certainly not much adverted to; namely, their laborious and expensive preparation for holy orders. Our clergy, without exception, receive an university education. No candidate is ordained, without producing a testimonial, that he has taken, at least the first degree in Arts, at some one of our three universities, of Dublin, Oxford, or Cambridge: without producing, also, a certificate of his attendance on a course of divinity lectures; and thus is secured a continuance at the university,

* It has been publicly stated by the highest official authority, that in the returns of settlements since made under the act of 1823, the average was of the most moderate description.

of at least four years and a half. In Ireland, we have no literates: none of that class, who, in this country, prepare themselves by private study, at a trifling cost, for the profession of the church. I say not this, as meaning to cast the least reflection on a very meritorious and useful body of men. I merely wish to impress the fact upon your lordships, that our Irish clergy all receive an expensive education. They are for the most part well connected: the sons of our nobility, gentry, and clergy. Many of them having relinquished better worldly prospects, for the church; the parents of the majority have expended on their education a sum which might have established them in several respectable walks of life; and to all of them, before they have once officiated in divine service, or performed a single act of clerical duty, the church and the nation have contracted a debt, which is but too frequently ill paid.

But, the quality of the education received by our Irish clergy is fully commensurate with the expense incurred; and here it is my duty to advert to the place in which, for the most part that education is conferred—my loved and venerated parent the University of Dublin: a duty which I shall the more readily perform, as, though indebted to that seminary for my education, I have not had the honour of being permanently connected with it as a fellow. The character of this University is essential to my subject: for, on the quality of the education there bestowed, must depend the qualifications of the Irish clergy.

The university, which, in its earliest days, produced Usher, the most profoundly learned offspring and ornament of the Reformation; and Loftus, in oriental letters rivalled only by his great coeval Pockock; which afterwards sent forth, to shine among the foremost of our Augustan age Parnell, the chastest of our poets; Swift, the purest of our prose writers; and Berkeley, the first of our metaphysicians: which formed, nearly in our own time, perhaps within the recollection of some noble lords who hear me, Goldsmith, our most natural depicter of life and manners; Burke the greatest philosophic statesman of his own or any other age or country—and, why should I not add, Grattan, the eloquent assertor of his country's rights, the parent of Irish independence;—the university which sent forth such men, is not now degenerating, is not like—

ly to degenerate from her ancient rank and name, and need not blush to be compared with either university of England. On this subject, if I speak with more than common interest, I speak, at the same time, soberly, advisedly, and from intimate acquaintance with the facts. The course of study there laid down, the rules of discipline there enjoined, are well known to me; and how those studies are directed, and how that discipline is administered under the learned, wise, and excellent person who presides over that university, I could abundantly and most satisfactorily testify, were I not restrained by the consideration, that, from early youth, that person has been among the most familiar and most cordial of my friends.

I am aware, indeed, that Dublin has been called the "silent sister;" in allusion, it may be presumed, to the comparatively small number of Irish authors. But epithets are easily bestowed, and witticism is often courted, at the expense of truth and candour. For what, I would ask, is the parent of authorship? Surely, after the stimulus of want, it is literary leisure; and, if comparison is to be at all instituted (and the comparison, in this instance, is purely defensive), we should look to the opportunities of literary leisure respectively enjoyed, by the Irish and English universities. Thus, then, or nearly thus, the case will be found to stand. In Oxford, there are 24 colleges and halls, 24 heads of houses, 565 fellows, and about 1,700 students. In Cambridge 17 colleges and halls, 17 heads of houses, 400 fellows, and 18,000 students. In the two English universities, conjointly, 41 colleges and halls, 41 heads of houses, and 965 fellows, for the education of about 3,500 youths. In Ireland, on the other hand, we have unfortunately not abounded in munificent patrons of learning. A royal foundress, and royal benefactors, we have had: but the University of Dublin was founded at a period, when the zeal for thus promoting good letters had gone by. Accordingly, we have but one college, one provost, and twenty-five fellows, for the education of about 1,500 under-graduates. These twenty-six most learned men, who attained their present honourable rank after years of intense study, and through the most arduous literary competition in the world, have upon their shoulders the instruction and government of 1,500 young men; and thus occupied, they certainly have little redundant time for the pleasures and the pains

of authorship. Yet, occupied as they are, they contribute more than their proportion to the common stock of letters; I could specify very many, and and very able works of their production, in most departments of science and literature; and, on this score, I should not hesitate a comparison, I will not say with equal, but with superior numbers, of your first scholars in either university of England. The junior members of our university, unprovided with fellowships, and unable to linger in that lettered retirement, which in your colleges and halls is so delightfully provided, must, on the completion of their under-graduate course, at once go forth into the various active walks of life; and, under these circumstances, it is not wonderful, that literature is, in Ireland, little pursued as a profession. But authorship is not the only, nor, perhaps, the best criterion of a manly education. It is in real life, it is from professional exertions, it is from that ability, that readiness, that sound knowledge, which present themselves in the daily walks of business, that we are to estimate the true value and extent of university attainments. And here I do not blush for my country. Of our clergy I do not now speak: that shall presently be done. But, looking to the different professions, I can say, that our physicians are skilful, learned, and sagacious; that our school of surgery is confessedly one of the first in Europe; that our bar, in legal knowledge, in constitutional principles, in appropriate eloquence, and in a constantly available fund of general information, stands pre-eminently high. In this House, at the beginning of the session, I rejoiced to hear the eulogy pronounced, with an eloquence worthy of its object, of a distinguished character, whom I love, admire, and revere—the lord chief justice of Ireland; an eulogy, certainly not superior to his merits: but this eminent person would be the first to allow, with generous satisfaction, that, on the Irish bench, and at the Irish bar, are several, though not his rivals, yet his equals. And how were these men formed? My lords, with few exceptions, they were formed at the Irish university, by the Irish clergy. And, may I be allowed to say, the benefits of our divinity school extend far beyond the clerical order. The impulse there communicated acts very remarkably upon the Irish bar. From an early period, I have been in habits of intimacy with many of

that learned body—about thirty years ago, I well recollect, the junior members of it, especially, were unhappily tainted with infidelity, through the writings principally of Mr. Gibbon, then at the height of his fashionable popularity. At that period, a young lawyer in Ireland would have blushed to be detected in the study of the bible. But what is now the case? My lords, I do not know, in the community, a more exemplary, a more moral, a more religious body of men, than the Irish bar. Familiar with the general laws of evidence, they have studied to the best purpose, the evidences of the Christian faith; and several of the most eminent are well read in the original scriptures, in biblical criticism, and in theology at large. A fact of the last importance: for, since the Union, the bar has become incomparably the most influential body we possess in Ireland; and has long given the tone to our best general society. Now whence, I would ask, has the bar of Ireland derived this knowledge, whence this proficiency in religion? The answer is plain:—from the university in which they have been trained: from the clergy with whom they associate, with whom they are linked in friendship; not only the clergy of the metropolis, but those whom they meet in their vacational retirements, and those who sometimes produce in our Dublin pulpits, the fruits of laborious days and nights, passed in the seclusion of some country benefice. This is a public service rendered by the Irish clergy; and the extent of this service can be appreciated only by those, who, from their own personal recollection and experience, are qualified to compare the state of society in Ireland now, with the state of society in Ireland thirty years ago.

On the learned professional labours of the Irish clergy, I must say somewhat: it shall be brief. I will not travel to Ireland for the purpose; a specimen of these labours is on the table, and in the hands of a large proportion of the British public. The valuable Family Bible prepared by Bishop Mant and Dr. Dooley, and sanctioned and circulated by the venerable Society for promoting Christian knowledge, while it contains excellent contributions from living ornaments of the English branch of our church, can rank also, among its best contributors, Irish divines of the present day. I shall name three: Dr. Hales, in learning and labour a man of other centuries, when, to use

the language of our late good old king, there were giants in the land; Dr. Graves the defender of the Mosaic economy, and the assertor of Apostolic truth and soberness; and Archbishop Magee, who gave a deadly wound to the heresy of Socinus, not in Ireland, for there it has not dared to rear its head, but in this country: and the English clergy, and the English people will not readily forget, that to an Irish divine they are indebted for the best exposure extant of heretical practices upon the text of the Sacred volume.

But it is said, that the Irish parochial clergy are a profitless burthen; it is said, that no attempt has ever been made to show any services performed by the church in Ireland, in return for its enormous income. If this, my lords, were the fact, if no such attempt has ever been made (and how much otherwise this matter stands, is well known to the reading public), the fault shall not rest with me, if such an assertion again be hazarded. I rejoice to meet the challenge: I will at once join issue on the point. But, in the first place, I must say, that, if the present race of clergy were inefficient, it would be utterly unfair that the ministerial succession for ever, that the Protestant religion for ever, should pay the penalty for this lack of service. The proposition has been gravely made, that the present occupants should enjoy their incomes for life, and that the incomes of their successors should be curtailed; that is, according to the judgment of our adversaries, that the delinquents shall enjoy their ill-deserved possessions, while their unoffending, perhaps exemplary successors, shall be plundered and despoiled. My lords, in common equity, I must say directly the reverse. If the present clergy be delinquents, let them be punished; if useless, let them be cashiered, and an efficient clergy planted in their room. This is my doctrine; this is the clear justice of the case. But, I am bold to say, the present clergy are a most useful, a most exemplary, a most indefatigable class of men. Exceptions, indeed, there may and must be; and no man regrets more deeply, and no man would censure more willingly, any and every such exception that unhappily exists. But the general character of our clergy is unimpeachable; the body at large is sound and serviceable. And I fearlessly maintain, that they give full value for their emoluments; that, if they were removed, or if their incomes were

materially abridged, many parts of Ireland would sink into barbarism and helpless destitution.

Respecting the strictly ecclesiastical services of our parochial clergy, this is neither the place where they ought to be detailed, nor the tribunal before which they can be judged. I shall therefore confine myself to a few definite and tangible facts; and I shall avoid touching on the services of the clergy in the north of Ireland. Their character stands deservedly high; and my right reverend friends near me are abundantly qualified to attest their merits. But I have been favoured with authentic returns from the city of Dublin, and from parts both of Munster, and Leinster, from which I have abstracted a few particulars, to be laid before your lordships. This abstract I shall take the liberty to read; making this one previous remark, that the proportion borne to the general congregation, by the attendants at the sacrament, and by the children publicly catechised, is, in my judgment, the best criterion of parochial diligence and zeal. In these statements, it is not so much my object to mark the number of Protestant parishioners, as to point attention to this proportion. In many instances, from causes in operation for a course of centuries, the members of our established church are comparatively few; but, from the attention paid to these few, we may fairly infer what would be effected, were the numbers more considerable.

City of Limerick.—In this city are four churches: three parochial, including the cathedral, which is also a parish church; and one chapel of ease, in the gift of the earl of Limerick. On Sundays, the attendants at morning service average 1,700. The aggregate number of communicants in the year, is 5,650. The children examined for catechetical premiums, under the superintendence of the bishop and clergy, 400. In the cathedral, divine service is performed three times each Sunday, and once on every week-day. Sermons are preached both in the mornings and evenings of Sundays, and in the morning of every church holiday. In the other churches, divine service is performed twice on Sunday, once on Wednesdays, Fridays, and all church holidays. And at festivals, there is an early sacrament for the accommodation, more especially, of the lower classes.

Diocese of Ferns and Leighlin.—In nine towns or parishes of this united diocese,

there are 9,877 parishioners, 1,816 communicants at festivals; and 1,057 children publicly catechised. The other parishes in the diocese, from which, by the kindness of the bishop, I possess returns, afford a similar proportion. Monthly communion is constant.

Diocese of Cork.—In eight towns of this diocese, the monthly communicants are 3,360; the children examined by the clergy for catechetical premiums, 2,472. The villages and country parishes keep pace with this proportion.

City of Cork.—Seven churches. Amount of congregations, 6,800; monthly communicants, 692; communicants at festivals, 2,205; children catechised at church, 871; children examined for catechetical premiums, 1,200; average of weekly collections for poor, in churches, 20*l.* 18*s.* 4*d.*; aggregate for one year of weekly collections, 1,081*l.* 7*s.* 4*d.*; raised by charity sermons, in four years, 2,160*l.* In each church, the sacrament is administered at least once a month, besides festivals; in some churches, once a fortnight. Prayers in all the churches, on Wednesdays, Fridays, and all church holidays; in some of them, every day in each alternate week. Every facility is given, by early services at 7 and 8 o'clock in the morning on Sundays, to the poor, who cannot appear clothed as they might wish to be, in a city church at noon. The catechetical examinations for premiums are conducted remarkably well. All the clergy in and about Cork act as examiners: the dean, or, in his absence, the archdeacon, examines the higher classes for medals. The bishop himself invariably attends, and distributes the premiums.

City of Dublin.—In six of the parish churches (the others are proportionally attended) the average amounts are as follows:—Number of attendants at morning service, 9,800; monthly communicants, 1,165; communicants at festivals, 6,659; cases in which the sacrament is received throughout the year, in these six churches, without regarding the repetition of the same person, 34,180; alms collected weekly, and at sacraments, in these six churches, 2,360*l.*; children catechised in five of these churches on Sundays, 1,340: The number of catechumens in the sixth church has not been returned; but it is above the average of the other five.—At the two cathedrals, the congregations are limited only by the extent of the buildings: on a rough calculation, they average at from

2,000 to 3,000. The charity sermons preached in five of the above-mentioned churches produce annually 2,000*l.*; into this calculation, St. Peter's church, and the Magdalen Asylum (in which are many charity sermons each year), are not taken. In a single parish, church (St. Mary's), there is a congregation of 2,700; monthly communicants, 480; festival communicants, 2,100; children catechised, 630; average annual collection of weekly and sacramental alms, 530*l.*; collection at parochial charity sermons, 550*l.* In the church of St. Peter, last Easter day, the communicants were 2,000; the Sunday collections, 520*l.* In addition to their strictly pastoral employment, the clergy of Dublin are, for the most part, members of different charitable boards, and governors and inspectors of the various hospitals and schools. They are, in truth, indefatigable, and their whole time is devoted to their duties.

These statements do very imperfect justice to the subject: and I wish them to be considered merely as brief specimens of what might be abundantly adduced. Enough, however, has appeared to show, that the Irish clergy do not slumber on their post; that, as opportunities are ministered to them, they are instant in season, and out of season, at the call not only of duty and conscience, but of taste and inclination. For such services prove more than mere activity; they could not thus be performed, unless the heart were in the work.

There is one particular service, on which a few words must be said. In Ireland, it is well known, we have no legal fund for the poor. Much, indeed, is done by private beneficence; much, to their honour be it spoken, by those very classes of society, who, in England, would themselves be objects of parochial relief. The Irish widow has not even her cruise of oil, and barrel of meal; but she freely shares her last potatoe with the beggar at the door of her miserable hut. One fund, however, there is, which, though not large, is available beyond its pecuniary amount. In all our parish churches, during divine service, on the first day of the week, after the manner of primitive times, a collection is made for the relief of the poor; and this fund is largely indebted to the christian exertions of the parochial clergy. In the larger congregations, the sums thus raised are considerable; in the smaller, often above what might be ex-

pected; and in many instances the amount is almost, and sometimes altogether, applied in aid of the poor Roman Catholic population. In addition, charity sermons are preached in all great towns; and the contributions are on a scale unknown in England, where there are other modes of relief. In Limerick, in Waterford, in Cork, above all, in Dublin, the sums raised exclusively in the churches of the establishment, and by the eloquence of the established clergy, are of a magnitude, which, considering the poverty of the people, and the embarrassments which unhappily prevail, is truly astonishing. Before the depreciation of the times, 700*l.* 800*l.* 1,000*l.* 1,200*l.* were no uncommon collections, at a single sermon. One distinguished christian orator, the late lamented dean Kirwan, in the course of his ministry in our church, a space of about twenty years, raised by sermons within the city of Dublin, the sum of 75,000*l.* But for the exertions, indeed, of our clergy, many of our largest and best charitable institutions would not now exist. And while they have done much directly, they have done more consequentially. They have thus produced a generally diffused spirit of beneficence, which enters into the character of the people, and which the people cannot forget to have been nurtured and matured, by the same christian eloquence and feeling, which gave birth to it. And here, I am led to say a few words on the manner in which divine service is performed by the Irish clergy. Varieties in manner, there must be; and, in such a body, some, doubtless, will be found, who are careless, some who are injudicious: but I assert not more than I have ascertained, when I bear testimony, that the clergymen of Ireland are, generally speaking, eminent in decency, in solemnity, in impressiveness, in sense and feeling of the Liturgy, in sound doctrine, in moral pathos, and in manly eloquence. It has been my lot to hear warm eulogies pronounced by rather fastidious Englishmen, on the manner of officiating, both in the reading-desk and the pulpit, of those Irish clergymen who occasionally visit this country. And I can pronounce with certainty, that these are not, in any respect, superior to numbers who remain at home. In Dublin, several are deservedly distinguished: but, to a nice observer, the performance of divine service in many of our country parishes would, perhaps, be yet more striking. For my own part, if I

wished to give an intelligent stranger, of good taste and of religious temper, a favourable impression of our Irish clergy, I should be apt to lead him unawares, into one of our remote and unfrequented country churches, and there to let him hear an unpretending pastor offer up his own prayers, and the prayers of two or three villagers, gathered together in the name, and for the worship, of their common master. It was in a church of this description, that an incident occurred some years ago, which may not be unworthy of your lordships' notice. A French lady, of the Roman Catholic religion, well educated, and of intellectual habits, chanced, on a Sunday morning, to attend divine service in this church. The sacrament was to be administered; the lady asked permission to remain, and witness its celebration. A single clergyman officiated; and, as the congregation was small, the communicants were very few; but on returning with the friends whom she accompanied, she declared, that, though accustomed to the splendid ritual of her own church, in all the pomp and circumstance of continental worship, so awful a service she had never witnessed in her life.

My lords, I am quite aware, that, in many parts of Ireland, the parochial clergy have a narrow field of strictly spiritual labour. This circumstance is regarded by some with unmingled regret; by others, I am sorry to say, with malignant triumph: but I must rather consider it in the light of a providential compensation; as one of those wise and profound adjustments, which makes seeming evil the cause of predominating good. For, from the peculiar situation of those very parts of Ireland, the clergy there stationed, have most important civil, social, and moral services to perform; which, if their time were fully or largely occupied in ecclesiastical services, they might be unable to discharge; and, which if they did not discharge, I know not what would become of a miserable peasantry, deserted, as they are, by their natural guardians and protectors.

And here, I am inevitably obliged to touch upon a great and lamentable evil, the chief bane of Ireland; I do so with sorrow and reluctance. I do not bring the matter forward for any invidious, for any hostile, for any indirect purpose. The merits, or demerits, individually or collectively, of the class of men to whom I must allude, it is not for me to appreciate; and if, at any time, they, like the clergy, shall

become objects of parliamentary discussion, it is openly and directly, not by a side wind, and while another subject is before the House, that their case should be examined. I shall advert, then, to the absence of landed proprietors, merely so far as my duty demands; and because, without adverting to that absence, without keeping its consequences steadfastly in view, no manner of justice can be done to the efficiency of the Irish clergy.

The system of Irish absenteeism is, indeed, a calamity beyond our grasp or comprehension; and, for the sake both of my own feelings, and the feelings of others, I shall be very brief upon this subject. In truth, I am utterly at a loss how to express myself. The reality of wide-spread suffering which it has been my lot to witness, is so vast and overwhelming, that I am afraid to calculate, and yet more unwilling to imagine, its extent. One or two facts I will simply mention, which concern the counties of my own diocese. I derive them from what I believe to be competent authority. By a calculation made with considerable pains, it appears, that from the county of Limerick alone, is annually withdrawn, by absentee proprietors, the sum of 300,000*l.*; from the county of Kerry, the sum of 150,000*l.* In the latter county, a person may travel for twenty miles together, without seeing the residence of a single gentleman except the glebe-houses of the parochial clergy.*

My lords; I should be sorry to impute blame indiscriminately to all classes of absentees. Some are absent unavoidably, in the discharge of great public duties: these persons, in the intervals of their official employment, often visit their estates; while absent, they are conferring important national benefits; and, when their more public career is completed, they are apt to settle at home. Against such men, there is no ground of complaint.

Another class of absentees, as they are

* This statement I can corroborate by the testimony of an intelligent English agent, employed in Ireland, during the distress of 1822, by the London Committee. "The county of Kerry is very mountainous, thickly inhabited, but there are scarcely any resident gentlemen. With regard to the county of Kerry, the gentry are very thinly scattered over the country, so large a portion belonging to absentees." —Report of London Committee, pp. 123, 125.

among the most excusable, so they are the most considerate: I mean, those English gentlemen and noblemen, who possess Irish estates. Among these are to be found some of the very best landlords in the whole country. They carry into their Irish properties the principle of English landlords; a principle which ought to obtain in every country. It consists in this—the establishment of a fair proportion between the rent to be paid, and the profits to be enjoyed, by the occupying tenant. In this and other particulars, several English proprietors are examples of what landlords ought to be, and their tenantry flourish accordingly. Sometimes, indeed, the benefits designed for the occupying tenant, are intercepted by the race of middlemen; but that evil has already been diminished, and is likely to be diminished yet more extensively. Mean-while, in English proprietors, we have examples of a superior kind, who come over occasionally to visit and reside upon their Irish estates. One, in particular, I feel it my duty to name; a noble person, from whom, on certain political questions, I am obliged to differ; but for whose private qualities I entertain the most sincere respect: I mean the duke of Devonshire. Not satisfied with being an indulgent landlord, not satisfied with having for years expended on works of public utility, and within his own estates, a large portion of his Irish revenues—he fitted up his noble, but heretofore neglected castle of Lis- more, and thither, surrounded by his “troops of friends,” he resorted season after season; and for months together gladdened his tenantry with the light of a landlord’s countenance. This, my lords, is an example to be held up to public praise and imitation; and it will be imitated. I speak advisedly when I say, that others of the same class are preparing, not occasionally, but periodically, to visit Ireland, that they may improve it. And I trust that, ere long, it will come to be the received principle, that English proprietors will give to their Irish estates, a fair proportion of their residence and revenue, as they do to their estates in Yorkshire, or in Cornwall. Then will Ireland begin and continue, to feel the benefits of the legislative Union. Hitherto she has experienced only its drawbacks and disadvantages. But so it was in Scotland. For several years, the miseries and the distractions of that country seemed only to be enhanced by her union with Eng-

land; but gradually she felt that union to be a public blessing. And so it will be with Ireland. And I venture to predict, that, for the introduction of improvement, of comfort, and prosperity, we shall be primarily indebted to the English proprietors of Irish estates.

But, there is a third class, of which I am unable to speak in extenuating terms. My duty compels me (and it is a painful duty) to call them, by the only name which can describe them—mere Irish absentees. Irish absenteeism has no bowels; it has no principles. I speak not here of individuals; I speak of the system. English proprietors of Irish estates have their hearts softened by the tenantry among whom they live. But pure Irish absenteeism has no such compensation. There are no present objects to keep the affections in healthful exercise; and where the affections are not thus exercised, they must wither and dry up. A distant tenantry, never visited and never seen, under these circumstances, seems to be considered like one of those ingenious contrivances which I have admired at his majesty’s Mint, a mere system of machinery for the putting forth of so much coin. I am compelled to say, and I grieve to say it, that the most afflicting part of a clergyman’s social duty consists in vain, fruitless efforts to wring a wretched dole, which might keep alive the starving paupers on his deserted estate, from the mere Irish absentee—to extract sunbeams from cucumbers. This, with some honourable exceptions, barely sufficient to establish the rule, I can affirm to be the strict truth.

My lords; it would be matter of painful but not unprofitable information, if, by any system of returns called for and submitted to this House, it were possible to ascertain the proportion of Irish absentee income, expended on useful and charitable objects, for the advantage of that country whence it is derived. It is to be feared, we should find a lamentable discrepancy of amount, between the vast exactions, and the trivial contributions. One case may be taken as a specimen:—it was vouched, during this session, in another House, on the most unimpeachable authority. In a certain western county of Ireland, during the calamitous summer of 1822, a subscription was raised for the relief of the poor, by the resident gentry, landholders, and clergy. Application for assistance was made to the absentee

proprietors, who annually abstract from that county the sum of eighty-three thousand pounds. And what was the amount of their congregated munificence? My lords, it was—eighty-three pounds! Not a farthing in the pound of their annual Irish income! Had these proprietors been resident at home, this never could have happened. They could not have witnessed the complicated wretchedness of famine, of nakedness, and of disease, without some effort to relieve it. But, they were Irish absentees; and their contribution amounted to eighty-three pounds.

None, my lords, but a resident can know (and the satisfaction is a melancholy one) how much may be done with the Irish peasantry, by the unsophisticated kindness of a few individuals of the superior classes, scattered here and there, over a poor and populous district. The satisfaction is melancholy: for it is impossible, not to compare the much that might be done, with the little that is done. Some districts, however, are more fortunate. There are noblemen in this House, resident Irish noblemen, who feel with the poet, that

“All earthly joys are less,

“Than this one joy, of doing kindnesses.”

It were indelicate to name those who are present, but I see noble lords in their places, whose habitual residence in the midst of their tenantry is a great and public benefit. One noble earl, my neighbour and my friend, I saw in an earlier part of this evening, but I do not see him now: and in his absence, I may say, that, which in his presence could not properly be said;—that his residence in the vicinity of Limerick is a blessing, not only to that immediate district, but to the whole county. It is not merely, that, by considerate indulgence, he has enabled his tenantry to bear up under the pressure of the times; it is not that by judicious and gradual improvements, undertaken not from ostentation but on principle, he has provided employment, during a long course of years, for multitudes, who must otherwise have perished; it is not that by well-regulated acts of bounty, he and his family are improving the habits, promoting the industry, and providing for the education, of the surrounding poor—it is not all this which gives value to his character as an Irish country gentleman: it is that unaffected kindness of heart, and integrity of purpose, which prove all to be genuine; which are felt and understood by the people;

and which mark him out as the fit successor of a father, whose virtues as a landlord were not less distinguished than the ability, integrity, and manly firmness, which he displayed in the first judicial station of his country.

I bear in my heart an absent friend, the kinsman and the pupil of the great Mr. Burke; a man worthy of the pains bestowed upon him; superior to the expectations entertained of him, yet those expectations were high—at the time they must have appeared sanguine. Such a man it were presumption in me to eulogise: I will only say that, foregoing all that is estimable and delightful in the best English society, the first society in the world—when he returned from the service of his country covered with honourable scars, he retired to his native land, to his few paternal acres, to the bosom of his tenantry, and there devotes his time, his thoughts, his heart, his sound practical wisdom, his distinguished talents, to the improvement of the peasantry of Ireland. But the praise of general Bourke has been publicly proclaimed in this country; it is yet more touchingly pronounced at home, in the daily and nightly prayers and blessings, of an attached and grateful population.

Would to God, that many would go and do likewise! Then should I be spared the necessity of enumerating some of the most laborious services of the parochial ministers of Ireland. But, in many parts of that country, especially those parts where the clergy have least professional employment, they are the chief, too frequently the sole moral prop and stay. And, from the highest to the lowest rank and order, they are indefatigable, in every social and civil service. In that very province from whence I have adduced a melancholy instance of absentee penury, during the same calamitous season of 1822, it pleased Providence to raise up a diffusive instrument of good, and that instrument a churchman. If the London Distress Committee, if its honourable and worthy chairman, were asked, who, at that period, stood foremost in every act of beneficence, and labour of love, they would, with one voice, pronounce—the archbishop of Tuam: from morning to night, from extremity to extremity of his province, at once the main-spring, the regulator, the minute-hand of the whole charitable system. As distress deepened and spread abroad, he multiplied himself, he

seemed gifted with a sort of moral ubiquity. He proved himself worthy to rank with "Marseilles' good bishop," and, hand in hand with him, to go down to the latest posterity, among the benefactors of mankind.

But, such humane exertions were by no means confined to the higher orders of the church. From observation and experience of facts, I can testify, that, at that period, especially in the districts where such instrumentality was most needful, the clergy in general were instant, in season and out of season, to meet every emergency. As collectors and distributors of bounty; as purveyors of food, as parcellers of employment, as overseers of labour, on roads, in bogs, in public works,—by their exertions in these and similar departments, the Irish peasantry of those deserted districts (under Providence) were saved from famine, and its attendant pestilence, and I would hope, were formed to permanent habits of industry, morality, and grateful feeling.

For these labours of our clergy did not cease with the emergency of 1822. English bounty had been not merely full, but overflowing; and hence, the London Committee were enabled to make provision, in the ten most distressed counties of Ireland, for lasting improvement. In each of these counties, a considerable fund has been appropriated, under the management of a board of trustees, for the promotion of industry, chiefly in the way of charitable loans; and here the parochial clergy are among the co-operators. They exert themselves to encourage the cultivation of flax; to superintend the manufacture of wheels; to distribute with their own hands the implements so manufactured; to pay domiciliary visits, for the purpose of observing and ascertaining the progress of industry—and this, not as it might be in an English parish, through the collected and concentrated population of a village, perhaps, and its small surrounding territory, but through bogs, across mountains, over miles of scarcely accessible country, swarming with a distressed population. I can lay my finger, not only on parishes, but districts in Munster, where the judicious exertions of the parochial clergy are absolutely creating manufacture, and giving new spring and alacrity to the people. Missionaries of civilisation, they are, in this way, preparing for the social, and moral, and, ultimately, the religious improvement, of a most improveable po-

pulation. These things I state not on my own sole authority: I appeal to the published report of the Irish Distress Committee. I appeal also to the Commons' report on the state of the Irish poor, now on the table of this House. The fact is, that public attention is beginning to be fixed upon the clergy, in a more just, and more favourable point of view, than heretofore. Improvements are taking place in the body; and those improvements will continue progressive. I pledge myself that the clergy, the improving clergy of Ireland, will be found the best instruments by which to raise the character, to better the condition, and to increase the availableness for all national purposes, of that country, now, perhaps, a burthen, but hereafter, we will hope, a strength, a bulwark, a fortress of the empire. For this I will pledge myself; always provided you do not tamper with the church. Then, indeed, I could not be equally hopeful; we cannot make bricks without straw.

In the anticipation of good public results from the services of the parochial clergy, I am the more hopeful, because those services have been, not occasional, not temporary, not the mere result of fermentitious fervor. No, my lords, in the midst of hindrances and obstructions to general improvement, which they could not remove, the Irish clergy have, during a long course of years, been exercising the most unobtrusive, but the most beneficial influence: Hospitals, dispensaries, alms-houses, charitable institutions of every kind, have by them been visited, inspected, regulated, founded—kept alive, I may say, either by their own funds, or by funds raised through their exertions. Frequently their own houses are dispensaries for the neighbouring poor. I know a clergyman, with a good benefice, but a large family, who denied himself even the most moderate use of wine, that he might bestow it on the poor sick persons of his neighbourhood. In country parishes, indeed, the parish minister is often a sort of universal agent for the poorer population; the intercessor with their landlords, the writer of their letters, the recoverer of their lost or embezzled property. The uneducated part of my countrymen, though shrewd and talented, are, in worldly business, singularly helpless; many, for example, have had near relatives in the army and navy, whose effects, after their death, they are at a loss to procure;

many have had friends, adventurers on the Continent or in America, from whom property has rightfully descended to them: the Irish having, from unhappy circumstances, been a migratory people. In such cases, the poor have, too frequently, been the prey of hireling scribes; sometimes, it must be feared, of a class raised somewhat higher in life, who avail themselves of the simple-hearted, unsuspecting confidence reposed in them, to commit the basest and most unpardonable frauds. But a resource is at hand in the parochial clergy: they write letters for these poor people to the War-office and the Navy-office; they aid them with their counsel; they investigate and advocate their claims; and when those claims as it often will happen, are fanciful, they induce them to relinquish vain expectations, and industriously to apply themselves to their proper business. In fact, the clergy are often the sole protectors of the people. On this topic some detail has been inevitable; for the Irish parish minister has offices to discharge, the nature and necessity of which can hardly be apprehended in this country, blest, as it is, with an upright, intelligent, humane, and considerate body of resident clergy.

These things I state, after no brief or limited experience: but, with your lordships' permission, I will confirm my statement by a few extracts from letters, which I have lately received, and which may be safely accepted, as of large, if not general, applicability.

Extract of a letter from the county of Limerick.—“I had lately an opportunity of seeing more than usual of the country part of this diocese: and, in a district which had been one of the most disturbed parts of the country, I witnessed the effects produced by the influence of a young clergyman, on the entire population. There is no hostility in the hearts of the people to the clergy; however, in some rare instances, their passions may be inflamed by agitators. They freely acknowledge the clergy to be their best friends; and, in fact, there is almost uniformly, in the neighbourhood of a glebe-house, however humble in its appearance (and humble enough they generally are in this country), an abiding feature of cheerfulness and good humour in the countenances of the people, to say nothing of the many little comforts among them, which may be traced to the inhabitants of the glebe-house. The peasantry, in such neighbourhoods, have not the wild, hag-

gard look of savage life, so striking in other parts of the country.”

Extract of a letter from the county of Kerry.—“Considered as a body, the clergy are most grossly calumniated. I have no hesitation in affirming, that, generally speaking, they are liberal, hospitable, and charitable. They are willing and anxious to promote any useful and beneficent work; and, for the most part, spend their incomes among those from whom they receive them. No county in Ireland suffers more by the absence of the great landed proprietors and gentry than Kerry. In fact, the resident clergy supply, in a great measure, the place of the absentees, as country gentlemen.”

Extract of a letter from the county of Cork.—“Independently of their spiritual functions, the clergy are extremely useful, in establishing and superintending charitable institutions. In the country parts, every thing depends upon the clergy: dispensaries, societies for promoting industry, civilization, but especially education. I know one parish, where, by the exertions of the clergyman, four schools were raised; and two other parishes, in each of which the clergyman raised three.”

But there has been, within the last year, a specific service rendered by the parochial clergy in Ireland, the consequences of which have already been very extensively beneficial, and promise to be still more so. Throughout the whole of that country, the smaller gaols and bridewells were found to be in a most deplorable condition. For the most part, under the immediate direction of a very inferior class of keepers, with scarcely the semblance, in too many instances, of inspection or control on the part of the local magistracy; their interior state was, what might naturally be apprehended, wretched in the extreme. The food, the bedding, the ventilation, the whole management, of such a description as was shocking to humanity; and these abodes of wretchedness were also nurseries of vice. The enormous abuses which disgraced this department, did not fail to attract the serious attention, very speedily after their appointment, of the present able and excellent inspectors of prisons in Ireland, majors Woodward and Palmer, gentlemen not to be surpassed in the ability, intelligence, humanity, and zeal, so indispensable in their arduous office. Chiefly at their recommendation, and under the au-

thority of the court of King's-bench, an act of parliament was procured, in the Session of 1822, for the better regulation of prisons in Ireland; and into this act was introduced a clause, placing all bridewells and smaller prisons under the gratuitous inspection of the parochial clergy; on whom was to devolve the care not only of superintending the discipline and morals of those establishments: but that, also, of providing wholesome food, and all other necessities, for the proper maintenance of the prisoners.—How this plan has succeeded, may be judged from the following extracts from the official Report of majors Woodward and Palmer, Inspectors of prisons in Ireland, on the smaller bridewells.

“The valuable aid which this branch of prison regulation has received, by the superintendence of the parochial clergy, cannot be sufficiently estimated. The law has imposed on them a new duty, in the local inspection of bridewells, situated in their respective parishes, without any remuneration whatever; and we are gratified in reporting, that the wishes of the legislature have been universally met, with a benevolent and disinterested zeal, worthy of that order. The regulations of the court of King's-bench have clearly defined the duties which belong to the inspection; and we have the satisfaction of feeling that, in our control over a department so widely scattered, and over small prisons, under the immediate care of persons of a lower class, we have an effectual counterbalance to these disadvantages, in the co-operation of the parochial clergy. Their inspection affords to us, at all times, a power of reference to an upright and intelligent officer, resident on the spot; and secures a conscientious check upon the several returns received from each bridewell, and upon the prices of all articles purchased for the bedding and subsistence of the prisoners. We feel also assured, that no instances of irregularity and oppression would be suffered to exist, under a local inspection placed in such hands. This arrangement has removed an almost insurmountable difficulty, in reducing the regulation of these dispersed prisons to an uniform practical system.”

To this public official report, I am enabled to add a more particular testimony, by reading part of a letter, which I had the honour to receive from major Woodward; who, in the course of his duties, has yearly traversed the whole south and

west of Ireland, his usual circuit being about 3,000 miles. The testimony is valuable, in proportion as the induction is large. “I enclose the extract from the report to government, on the prisons of the south of Ireland; much more, I assure you, in compliance with your lordship's wish, than from attaching any value to a testimony borne by myself, to the character and usefulness of such a body as the clergy of the south of Ireland. In truth, I should feel it presumptuous in me to offer such a testimony, were it not drawn from me as a debt of gratitude for the services rendered by their benevolent labours, to the department under my inspection. Setting aside all those feelings of attachment which I have always had to the established church, I must, as a public officer, whose duties call him into close contact with them throughout the most remote, and (by all others of the higher classes) deserted parts of the kingdom, declare, in common justice, that, were it not for the residence and moral and political influence of the parochial clergy, every trace of refinement and civilization would disappear. They have now, in the kindest manner, added the care of the poor prisoner, in gaols which were scenes of misery and oppression, to the various duties in which they supply the place of the natural guardians of the peace and prosperity of the country: and, had not this resource been provided by the prison-act, I should have despaired of effecting any radical reform.” This, my lords, is a great national service: and I wish it to be regarded as a specimen and example of the manner in which the Irish clergy are willing and desirous to be employed. I say this, not merely or principally for the defence of the church: I say it much more for the good of the country. And I feel it to be of public importance, that this House, and that his majesty's government, should be aware, what an instrumentality for promoting the civilization and improvement of Ireland, they possess in its parochial clergy.

But I must not omit the mention of two great social evils in Ireland, which, to the best of their ability, the clergy alleviate and correct. The first of these evils is, the absence of public principle; which displays itself particularly in those practices, but too familiar in Ireland, under the designation of jobbing. I am far from passing indiscriminate censure. In those districts where we possess a resident

gentry at all, there are honourable upright gentlemen, who set their faces against every thing not strictly correct. But the country is too frequently turned over to managers of another description, whose sole object it would seem to be, to convert to their private advantage the utmost possible shilling of the money granted for public uses;* and here the clergy most valuably interpose. From education, from habit, from principle, and from religious conscientiousness, above such practices themselves—they are anxious to check and counteract those practices in others: and to the people themselves I would appeal—Who, in this particular, are their best friends?—Who most honourable in all public concerns?—Who most high-minded and inflexible in the management of public works, roads, bridges, buildings—all those undertakings, in a word, which are notoriously the most fertile sources of county jobbing, and of unprincipled exactions on the farming population? The answer would almost invariably be—the protestant parochial clergy.

The next evil to which I must advert, is, the harsh, overbearing, tyrannical manner in which the Irish peasantry are commonly addressed. This evil I do not criminally charge, I would not punitively visit, on any particular men, or class of men. It is not so much the offspring of individual character, as of unhappy national circumstances. It is hereditary, it is traditional. And, unfortunately, it passes too often from the higher orders to an inferior class of proprietors, in whom it is not redeemed by one solid bounty, by one solitary act of real kindness. The treatment which the warm-hearted

peasantry of Ireland experience at such hands, is revolting to every generous mind. They seem to be considered an inferior race of beings; and this unfeeling disregard is shewn to them by men, but a few degrees their superiors in worldly circumstances, and not at all above, but often below them, in intellectual and moral worth. The mischiefs are incalculable, which result from such a relation—the relation of the oppressor and oppressed—between classes so continually brought into contact; but the one great and overwhelming mischief is, that sense of insult and contumely, which festers in the heart of a proud, sensitive, and high-spirited people. That the clergy have universally escaped the contagion of this unhappy manner (for in the better educated ranks of life, it is commonly no more than manner), I do by no means assert. But this I will say, that, in general, they are mild, approachable, and conciliatory; using towards the humblest of the people, that unaffected courtesy of address, which the Irish, above all people in the world, are perhaps the best qualified to appreciate. They value the manner more than the matter, of kindness. The most lavish bounty, if not gracious, would not to them be acceptable. If a man were to give the whole substance of his House for their love, it would be utterly contemned. It is affection only that can elicit their affection. And here I speak from certain knowledge when I say, that the clergy, by a thousand acts of nameless kindness, by sympathy of manner, by cordiality of address, by bare ordinary civility in daily intercourse, win the hearts of this impressible people. Exceptions, indeed (I have already admitted), may and will be found. But the exceptions are most rare; in the rising generation of our clergy, I scarcely know of one. Again, it is undoubtedly true, that, in particular districts, individual agitators, the professed friends but real enemies of the people, sedulously try, where the least opening is left, to hark them on at the clergy. There is, however, one plain criterion, by which, in their hours of sobriety, those even, who may for a little time have been led astray, are learning to estimate, who are the friends, and who are the enemies of the people. This criterion I would recommend to the adoption of all my countrymen; and, were I making my last will and testament, I would bequeath it to them

* These practices in Ireland were not formerly confined to inferior departments in society. The saying of a witty baronet long deceased, is still familiarly recollected: "I would give half-a-crown of my own money, and twenty thousand pounds of the public money, to prevent such and such a thing." This was a meer playfulness; but it shews, better than a long detail of facts, what must have been the public and political morality of the country. Thanks to the measures both of the legislature and the government, a vast reform has been wrought in every official department. But much remains to be effected in the system of county expenditure.

as a token of my love: They who appeal to the passions of the people are their enemies; they who appeal to their affections are their friends.

Thus far, I have stated what I know and can prove to be the simple truth of the case: but I am aware that very different representations have been largely and industriously circulated. There has been a systematic scheme, set on foot, to degrade the Irish clergy in character, that they may the more readily be plundered in property. Rare and insulated instances of clerical misconduct have been selected, published, reiterated in every form; the exception has been substituted for the rule; the fault of the individual has been charged upon the body. In noticing these mis-statements I regret the necessity of adverting to a published letter, attributed, unjustly I would hope, to a dignitary of another communion. The writer states, that the Protestant clergy are odious to the people; that the more resident and the more numerous you make them, the more odious and detestable they will become. Such language, I trust, may not have proceeded from any ecclesiastic. It is conceived and expressed in a spirit the very opposite of that which breathes in all the communications (and they are not few) with which I have been honoured by clergymen of the church of Rome. With clergymen and bishops of that communion, I have lived, and hope to live, on terms of cordiality and friendship; and I am happy to say, that, during years of unreserved and kindly intercourse, I have uniformly experienced in them, candour, liberality, and affection. I hope, therefore, the letter may have been erroneously ascribed to a member of that respectable body. But if, in a moment of unguarded warmth, such language did escape from the dignitary in question, I trust his calmer judgment already has recalled it. For, assuredly, the protestant clergy in Ireland are not odious to the people. On the contrary, I believe in my conscience, and I know from a thousand proofs, that, when the people are left to the free exercise of their judgment, and the natural flow of their affections, the clergy, as individuals, and as a body, are among the most popular, members of society. But whether they be the most popular, or nearly the most popular class, is not the question; it is whether they be odious and detestable to the people of Ireland; and on this point,

were it practicable, I could fearlessly appeal to the people of Ireland themselves. But why need I appeal beyond these walls? Petitions lie upon the table of your lordships' House, signed by multitudes of Irish Roman Catholics, in the least protestant parts of Munster, praying that they may have more protestant clergymen sent to reside among them. And I would ask several noble lords who now sit in this House, but who commonly reside in Ireland—especially I would ask the noble earl who presented those petitions, whether the protestant clergy of Ireland are odious and detestable to the Irish people? And on their reply I would cheerfully rest my cause—my cause I must term it; for I rejoice with no dishonest satisfaction, to mingle and identify myself with the Irish parochial clergy.

But I can adduce facts for which I vouch. I shall do so, merely in the way of example; and leave it freely with your lordships to estimate their value. I know a parish, which, from peculiar circumstances not within the control of the bishop, was, for several months, left vacant, and unprovided with a resident minister. The population were predominantly Roman Catholic; and they had an excellent pastor of their own communion; but still, they absolutely felt as sheep without a shepherd, and were yearning for a protestant clergyman.

In the unhappy year 1798, in the county of Tipperary, in a most disturbed parish, from whence the gentry had fled, one person stood his ground, safe, unmolested, uninjured, though unarmed—he was the protestant vicar of the parish. The very rebels came in a body, and requested permission, without payment, to gather in his harvest. Why? Purely from affection; certainly not from a community of political feeling; for a more loyal subject did not, and does not breathe, than this clergyman.

In the county of Limerick, in the most unquiet district of it—the very focus of insurrection; an insurrection caused by the state of absentee lay-property, less than two years ago, the few resident gentry had their houses garrisoned, their windows bricked up, candles burning at noon-day, centinels posted at their doors; they could not so much as walk into their shrubberies unattended by armed protectors. In this very district, within a stone's cast of those garrisoned and barricadoed houses, during the disturbances of 1821 and 1822, resided the clergyman of

the parish, a dignitary of the diocese; his house unguarded, his doors unprotected, his windows open, no arms, no unusual precaution, his rides and walks uninterruptedly continued—and he suffered not the least violence, not the slightest insult; a twig of his property was not injured; he was as free from apprehension as if his residence had been in Palace-yard. These facts I learned, I may say witnessed, on the spot; and on my giving the clergyman credit for his conduct, his modest reply was—I cannot take credit to myself for any thing remarkable, I merely treated the people with common civility and kindness; and, when they were sick, was ready to give them a little wine.”

The fact is, that, in various instances, the protestant clergy by their influence kept away disturbance, or suppressed it when it had found entrance; or if, from causes too deeply rooted in the frame of society, the evil had risen beyond their power of conciliation—one exempt spot, one oasis in the desert, one place of refuge, one Zoar was to be seen athwart the burning plain—the glebe and the glebe-house of the Protestant parish minister. Yes, my lords, however agitators may have succeeded in other projects, their elaborate efforts to lash the people into hostility against the parochial clergy have utterly failed. The parochial clergy are respected, are beloved by the Irish population. Why? Because the people of Ireland are a generous, a grateful, a discriminative people. They know their benefactors: they know their real friends. Treat them but as brethren, and their fidelity will be as lasting, as their hearts are warm. There is no misleading their passion to war with their affection.

The charges against the Church in Ireland, have, I trust, been proved unfounded. But, suppose them founded to the utmost extent, and, however lamentable in a religious point of view, the delinquency of our whole bishops and clergy would not account for one fiftieth part of the political evils which afflict that country. Let us look, for example, to one department, clerical revenue—the prime accusation urged; I will add, the prime cause of accusation; for many wish to plunder, that they may divide the spoil. Let us look then, my lords, to clerical revenue. But, in order to do this fairly, we should consider the proportion which it bears to lay property; not, however, to lay property at large; but to that portion of it,

which is not expended where it is raised. We have already seen, that 450,000*l.* are annually drawn away (a sum, which nearly equals the whole church revenue of Ireland) by lay-proprietors from the counties of Limerick and Kerry; from a single diocese: from other counties and dioceses in Ireland, remittances to absentees keep nearly equal pace; and if the whole sum thus abstracted were known, the aggregate would be appalling. Suppose now, that the whole church property, the whole income received by churchmen as such, were expended out of Ireland, this would be but as a drop in the ocean. But it is not spent abroad; it is all spent at home; and spent, to say the least, as soberly, as prudently, as charitably, as beneficially for the public, as any other property whatsoever. But this is not all; for, it will be recollected, that, while the body in general is far from affluent, several of our clergy possess lay property to a considerable amount. And thus a large annual revenue is kept at home (simply as belonging to proprietors who as clergymen, do and must reside), which otherwise might, like other lay property, be sent abroad. Instead, therefore, of swelling the ills of Ireland, the whole of the clerical property, augmented by a respectable addition of lay property, goes to alleviate those ills, and to alleviate them far beyond the pecuniary amount. Because every shilling given by the clergy for humane and benevolent purposes, produces a moral effect on the population.

My lords, when I thus consider the truth and justice of the case, it awakens in me a feeling of mingled melancholy and indignation, to see the moderate, well-earned home-expended pittance, of the parochial clergy curiously, I had almost said inquisitorially, scrutinised—their shillings and pence weighed, and counted, and clipt, and filed down, by men who draw from my unhappy country their thousands and tens of thousands, to be lavished in foreign lands, on foreign luxuries. To what purpose, I will not inquire; I spare your lordships and myself that pain. I shall dismiss the subject, therefore, of Irish absentees. But while on this subject I am sorrowful, I am still cheered and comforted by hope. A crisis is at hand: and I seem to discern the process already in commencement, by which this great evil will eventually redress itself. The system of absenteeism cannot last;

that it should last, is morally impossible: it cannot be, in the course of a just and equitable Providence, that such a system should be suffered to continue. But my hope and my persuasion are, that, ere any painful and calamitous retribution shall arrive multitudes of our absent gentry will voluntarily return to their native land. Let them but touch the Irish shore—let them but reside on their rich and beautiful estates, and I shall no longer be apprehensive for my country. Happily, in this case, the change of measures will ensure the change of men; or rather will give us back the same men, in their just and native character. Residence will restore, whatever absence may have impaired; the associations of their natural and proper home will rekindle those affections, which the system of absenteeism has smothered, but not quenched; and I anticipate the day, when, consulting their true happiness, in the character of resident Irish landlords, they shall rank among the ornaments and benefactors of their country.

But in the mean time, and till this happy change shall be accomplished, the great desideratum towards the internal improvement of Ireland, is instrumentality; a link between the government, between the legislature, between the great landed proprietorship, and the people. It were folly, however, to speak of instruments, in a mere mechanical sense. A moral instrumentality alone, will cement together the frame of society in any country; and in a country, from unhappy circumstances, much demoralised, moral instruments are infinitely needful. Such instruments we have in the Irish clergy: to say the least of them as a body (with rare individual exceptions), an educated, liberalized, well-conducted order of men; stationed, at proper intervals, throughout the whole country; regimented, if I may so speak, under the authority of superiors; disciplined and marshalled for simultaneous movements; and forming a great chain of intercommunication, from one extremity of Ireland to the other. Now, in what manner could we supply the place occupied by these men? Parliaments cannot create, parliaments are not competent to create, materials such as we possess at this moment. Let parliaments beware how they destroy. They will be altogether powerless to fill the chasm. Take away the fabric of our established church, and you take away the nucleus of our na-

tional improvement. A resident gentry we have not: a substantial yeomanry we have not: a body of capitalised manufacturers we have not. Humanly speaking, I do not see what it is, in the least improved parts of Ireland, that we have to rest upon, except the clergy. Here is the only sure provision extant, for disseminating, through all quarters of the land, the wildest and most remote, equally with the most cultivated and peopled, an educated enlightened, morally influential class. Here, and here only, is a provision for an interchange of moral instruments between the north, and south, and east and west, which, in due time, may and will produce a community of improved character in all the provinces. For let me ask, what educated northern would voluntarily migrate to the south, what native of Leinster to the west of Ireland, unless induced by some such prospect of immediate or eventual provision, as the church establishment holds forth? The salutary influence of these interchanges, I have seen, I have felt. And if the government of the country raises, as I trust and believe it will, fit, and qualified persons to the higher ecclesiastical stations in Ireland, the resulting benefits cannot fail to be of constantly increasing magnitude.

I confess, my lords, I am not impatient; not desirous to make haste. If the ecclesiastical department has not yet reached perfection (and who will be so absurd as to maintain it has?) I will not therefore pull down the platform, that I may reconstruct the edifice. The clergy of Ireland have improved, are improving, and unless the daringness of innovation stop the progress, will continue to improve. But, in order to improvement, in order to a continuance of their salutary efficacy, it is indispensable, that their pecuniary resources, that the respectability annexed to a decent, I will say a liberal, provision, be not diminished or impaired. Clip and circumscribe the clergy, as some would do, and what young man of talents, of connections, and of liberalised mind, would look to the church as his profession? It were well indeed, if qualified candidates would present themselves for orders from unmingled zeal: but at the age of three or four and twenty, we cannot expect in many the spirit of confessors and martyrs. This is not to be expected; nor in our holy religion, is it enjoined or intended. They who minister at the altar, are to live by the altar; nor be it forgotten, that in

Ireland, the clergy, in addition to their ministerial office, are, in too many districts the sole gentry of the land; and are called upon to do those things, in the way both of bounty and of service, which in England are performed, on the one hand, by a resident nobility and gentry, on the other, by parish officers and overseers of the poor. Setting aside, therefore, my feeling as a churchman, and viewing the subject as a man solicitous for the social, political, and moral welfare of my country, I would exhort those who are in power, to pause and to weigh well the probable, and even the possible results, before they make any alteration in the system of our church establishment. I would recommend to the deliberate attention of all constitutional statesmen, of whatever party the wise and profound resolution of Mr. Burke: "Please God," said that great man, "I will walk with caution, when I am not able to see my way clearly before me."

I must own, my lords, that the present state of Ireland is not comfortable; but I am not in the least willing to despond; on the contrary, I am full of hope. What was the state of England about four years ago? what, at that period of anxiety and perturbation, would have been said of the man who professed not to fear? Yet by the blessing of Providence on the wisdom and firmness of the legislative and executive branches of our government, what is now the condition of England, in commerce, in manufactures, in revenue, in the quietness, good order, and contentment of the people? All this has been effected in the space of four short years. Why then should we despair for Ireland? Inferior as she is in the scale of civilization and prosperity, her state now is by no means so alarming as the state of England was then. Much may be fairly anticipated; and I could almost venture to prognosticate, however bold the prognostication, that more of solid improvement will take place within the next eight or ten years, than has been caused of mischief, in the course of centuries. The government has entered on a new, a happy a most beneficial course. Let the government but persevere (and I am confident it will persevere) and the good results will be incalculably great. In every department, the most striking improvements are in progress. In the collection of the revenue, both of Customs and Excise, a great reform has been effected, by which,

at once, the burthens of the people are diminished, and the national resources are increased. In all public offices, a system of regularity and economy has been introduced, which was before unknown; and a plan has been formed, which will exclude all but qualified and experienced officers from places of emolument and trust. On the bench and at the bar the late appointments have been such, as to call forth the universal approbation of the country; and to secure in perpetuity that which, by all parties, it is now admitted we enjoy, the ablest, the purest, and the most impartial administration of justice, in our superior courts of law. The inferior, but perhaps, under the circumstances of Ireland, not less important, jurisdiction of the magistracy, has been placed on a new and most improved footing, by the revision of the list of magistrates, and, more particularly, by the establishment of petty sessions; which, in many districts, have put an end to most flagitious practices, and, in all parts of the country, have brought home, for the first time, the operation of equal law to the very threshold of the poor man's dwelling. These improvements, especially the last improvement (I speak from actual knowledge) is already felt throughout the country. The local magistrates are sensible that their character is raised; the farmers and the peasantry are satisfied with the decisions which are made; and I know of instances in which the defeated party has retired with cheerfulness, under the conviction that he was fairly dealt with. Even the Insurrection act, that necessary evil, has been productive of great collateral advantage. It has been the means of sending, through various parts of the country, a succession of upright, intelligent, constitutional crown lawyers, to sit on the same bench with the magistrates, who thus receive invaluable lectures on the laws which they are bound to administer, and learn, in the general course of their decisions, to unite firmness and wisdom with moderation and humanity. Nor should it be omitted, that in the Joint tenancy bill, together with a limited, but most successful experiment of emigration to Upper Canada, a commencement has been made in the great and necessary work of checking a redundant and mutually destructive population. These, I trust, are but the beginnings of good for Ireland, and looking to these, I am in no disposition either to despair or to despond. Only

let the government persevere; let them proceed with manly firmness; let them not be moved by the murmurs of the advocates of old abuses on the one hand, or by the clamours of revolutionary agitators on the other; let them thus pursue their even, steadfast course, and we may hope the best for Ireland; and we may live to see her, what we wish to see her, a happy a flourishing, and a united country.

But, to return to the subject of the Church. I would hope that we may soon cease to hear of the Irish portion of it, as the great source of Irish misfortune. The committees now sitting in both Houses will, by sifting adverse and conflicting testimonies, have ample means of refuting this and other calumnies. Meantime, I have all along admitted, that the church in Ireland, like all human institutions, must have its faults, may have its offenders. Whatever is wrong, whatever is amiss, I wish to see corrected; and in my own limited sphere, I shall rejoice to co-operate in the work of correction. But I am soberly and conscientiously of opinion, that any faults which may unhappily exist (and I believe them to be neither complicated nor numerous) will be most safely and most surely amended by legitimate church authority. In this session, with this view, episcopal authority has been enlarged; and my conviction is, that the existing functionaries will engage with alacrity and zeal, both in the enforcement, and encouragement, of all clerical duties. But, if any doubt be entertained for the future, I would merely say, that, under Providence, this must principally rest with the government of the country; that good ecclesiastical appointments will ensure good ecclesiastical discipline.

Thus much to those who really desire the improvement of the church. And, however I may differ from some of them on matters by no means unimportant, I regard them, even in their apparent hostility, not as the enemies, but as the friends of our establishment. But the church has real foes, of a very different character; and I have no doubt upon my mind, that, of the clamour raised against the Irish branch of it, the true secret is—revolution. The English branch was not less violently assailed a few years ago; and *mutato nomine*, the atheistical radicals of 1819 and 1820 are still at work. It cannot be forgotten, in what manner

“The printed libel, and the pictured shape” of English episcopacy, were then exhibited

in this metropolis. The warfare is now but transferred to Ireland: the principle, the motive, the object, are the same. In the present outcry, “more is meant than meets the ear,” Let the Irish branch of the church be mutilated, and the English will not be safe.

It has, indeed, been argued, from the alleged precedent and example of Scotland, that the church establishment in Ireland should undergo a thorough alteration. But this is no example; it is no precedent. In Scotland, the main difference was in discipline and government; a difference, indeed, which, on many accounts, I hold to be of vast importance; but still, a difference between one mode and another mode, of the reformed faith. But in Ireland, the question is of quite another kind; it is, whether we are to have a reformed church at all. Nor can this be accounted a trivial question, or one which concerns (as some would studiously inculcate) a mere handful of our population. In property, in talents, and in knowledge, the Protestants of Ireland rank vastly beyond their numerical strength: but in numbers they are generally much under-calculated. I will just advert to one statement, lately made in another House, that there are but thirteen or fourteen hundred Protestants in the whole diocese of Waterford. Now, by a return for which I am indebted to the bishop of that diocese, I can affirm, that, in the city of Waterford, there are 1,300 communicants and upwards. Reckoning, therefore, the proportion of the communicants, to the non-communicants, as one to six, we shall have, not in the diocese at large, but in the city alone, a population of above 9,000 souls, adhering to the established church. The Protestants throughout Ireland, including the Presbyterians, have been computed by the hon. member for the county of Louth, at 1,840,000. And it ought to be known, that the Presbyterians in Ireland, unlike the dissenters of this country, are on most friendly terms with the church; that they grow up under its shadow; frequently attend its worship; and not uncommonly train up their sons, not only as lay-members of it, but as clergymen.

One point more, and I have done. We have lately heard frequent mention of the church of Ireland, and the church of England. I have myself heard it maintained in various companies, and I have read the doctrine in several publications,

that the church of England stands on a different footing from the church of Ireland; and that the one church ought to be treated differently from the other. Now, against this doctrine, and against any conclusion deducible from it, I must solemnly protest. I know not, the law knows not, of any church of England; I know not, the law knows not, of any church of Ireland. I know, and the law knows, but of one reformed episcopal church within this realm—the united church of England and Ireland. The English portion and the Irish portion, at the period of the Union, were bound together indissolubly and for ever. They are one in doctrine, one in discipline, one in government, one in worship. Each portion, therefore, must be treated as the other. I do not, indeed, say that there may not be circumstantial, modal differences: precisely as there are varieties of arrangement within the English branch itself: as, for example, the manner of raising and collecting the church revenue in London, differs from the manner of raising and collecting the church revenue in York. And, in this light it is, that I regard the provisions of the Tithe Composition act passed in the last session, and the provisions of the bill which I mean to support this night with my vote. But against any substantial, any essential, any vital difference of treatment, I most solemnly protest; and I do not hesitate to declare such a difference morally and constitutionally impossible. On the whole then, I would exhort those who love and venerate our constitution, both in church and state, to consider what we have at stake—the integrity of our united kingdom; and the protestant faith of this protestant empire. If one portion of the church suffer, all must suffer with it. The church in England and the church in Ireland, have no separate interests; have no separate being: they must stand or fall together. The united church of England and Ireland, is one and indivisible. It was made so by solemn national compact, in the act of Union. This identity constitutes the fundamental article of Union: we might as properly speak of two Houses of Commons, two Houses of Peers, two Sovereigns, two complete legislatures, the one for England, the other for Ireland, as speak of two distinct churches. The national faith of both countries is pledged, equally to maintain one Church, one King, one House of

Commons, one House of Lords. If parliament, therefore, were to subvert or to re-model the church establishment in Ireland, it would break the Union; and if it break the Union, it will enact its own destruction; it will enact a revolution; and of such a revolution, the fruit would be nothing else, than anarchy and public ruin.

My lords, I have now to intreat your lordships' pardon, for having so long trespassed on your time; and to return my grateful thanks, for the patience with which I have been heard. An overwhelming sense of duty alone, could have impelled me to undertake this task, or could have supported me through it. Had I not attempted to discharge this duty, I should go back to my country, stigmatised in my own conscience. As it is, I have honestly, though most imperfectly, endeavoured to vindicate that church of which I am an humble member: and to serve that God, of whom I am an unworthy minister. I shall only add, that I give the bill now before your lordships, my cordial support.

Lord King said, that the right rev. prelate had not directed his views to those material parts of the case, which involved the question of first-fruits, tithes, and episcopal pluralities. He had, however, stood forward in defence of that long abandoned damsel, the church of Ireland, who had so long stood in need of a defender—aye, and of a reformer. He had, however, promised a ripe harvest of good effects for the future, provided there was no profane attempt to interfere with that establishment. Most completely did he differ from that right rev. prelate as to the uses and benefits of that establishment. He considered it rather in the light of a trade than a church. He thought it was literally what Mr. Burke had called it, when he had said—"Non est Ecclesia, sed magnum latrocinium." Such was the character which even the right rev. prelate's favourite authority had pronounced on that Church, which had been that night so lauded. The right rev. prelate, in passing his panegyric, had kept studiously out of view the whole process of the tithe system, the valuers, the proctors, the bailiffs, and the whole dramatis personæ of that cortège. The truth was, that the less that was said, as to the merits of that Church, the better. If it were as perfect as the right rev. prelate represented it to be, why the necessity for

those legislative acts which were to regulate the tithe system, to prevent the scandalous pluralities, and to enforce residence? We had had bills for the amendment, and for the re-amendment of the tithe system. In short, every thing had been done but that "one thing needful"—a reduction of the church establishment of Ireland as the church of Scotland had been reduced, to make it suitable to the wants, the temper, and the wishes of the people. The government would feel the advantage of such a limitation; as it would thereby be relieved from all the difficulties and embarrassments which these conflicting interests produced. What had been the observation of Dr. Paley, with respect to that church? He had described it as "a proud, haughty, domineering aristocracy of episcopal wealth and property." Was not, he would ask, the potatoe tithe a novelty introduced within the last forty years? Was it not limited to the unhappy and miserable potatoe-eaters of the province of Munster, and wholly unknown to Ulster and Connaught? These were features of the church establishment of Ireland which the right rev. prelate had kept out of view. But these were nevertheless the true features of that establishment. It was these that had called into life and energy, that appalling personage of whom so much had been said on a former occasion—the cruel Delany; "who, from his horrid hair, shakes terror and tithe law." It was in the south of Ireland that this monster was matured. Nay, so prolific was the progeny, that the potatoe tithe of Munster, furnished a succession of Delanys for other parts. Compared with that race, the furies of antiquity were models of beneficence.

The Earl of *Liverpool* said, that the remarks of the noble lord withdrew the veil. The friends of the establishment would know now what they had to expect. It was no longer the granting a few more political situations; nothing would satisfy but the total destruction of the church establishment in Ireland.

The bill then passed through the committee.

BRITISH MUSEUM BILL.—MR. PAYNE KNIGHT'S BEQUEST.] Lord *Colchester* said:—My Lords; I beg leave to lay upon your table, a bill for giving effect to a splendid bequest which has been recently made to the British Museum. The late

Mr. Payne Knight, a gentleman whose attainments in ancient literature, and whose knowledge in the fine arts were well known, not only in this country, but throughout Europe, had, during the course of a long life, and by means of his ample fortune, formed a rich and rare collection of coins, medals, gems, and bronzes, and of original drawings by the most eminent masters of the Italian, French, Flemish, and other schools of painting. His Greek coins, with those already in the British Museum, will far surpass the celebrated collection of the king of France; and his bronzes, though less numerous, and of smaller dimensions than many of those rescued heretofore from the ruins of Pompeii and Herculaneum, yet for beauty of sculpture and their admirable state of preservation, greatly excel any that are to be seen in the museum of the king of Naples.—Mr. Knight himself, had been for several years, a trustee of the British Museum, upon the nomination of one of those distinguished families which enjoy the privilege of conferring that appointment; and having witnessed the anxious care of his co-trustees and their excellent officers, in the superintendence and preservation of the various treasures committed to their charge, and having seen the courtesy with which all learned persons, and foreigners more especially, are received, and enabled to take advantage of the contents of that noble repository, and also the general facility of admission given to visitors of all descriptions, he determined to add to the same national stock his own treasures; the pecuniary value of which has been rated, according to the lowest estimate, at 30,000*l.* and the most competent judges have pronounced, that if brought into the market, they would in all probability realize the double of that amount. But Mr. Knight having deemed it a high honour to himself to be associated in this Trust, was desirous also of transmitting the same honour to his own family; and he therefore has annexed it as a condition to his bequest, that this distinguished privilege should be conferred upon his heirs in successive descent, which can only be effected by the authority of parliament.—The general body of trustees, is, no doubt, sufficiently numerous at present for the useful discharge of the duties imposed upon them. They consist, as your lordships will recollect, of twenty-five trustees by office, of whom several very frequently attend: also

of twenty-three others, eight of whom are appointed by the families of former benefactors, and fifteen more are elected by the two classes already mentioned, making in the whole a body of forty-eight, whose constant attention to the business of their trust is most exemplary. And I am authorised by the trustees assembled at a general meeting upon this subject to declare, that, in their opinion, it is undesirable that their number should be augmented, except upon some special and extraordinary occasion. Such an occasion, however, they now conceive to have arisen; and they presume, therefore, to hope that parliament will not hesitate to fulfil the condition annexed by the testator to this bequest, and will establish the hereditary right of trusteeship in his family, as a just tribute of honour to the memory of the donor, and a testimony of the high sense which parliament entertains of the liberality of such a gift.—I shall therefore move, That this bill be now read a first time, and that it be read a second time to-morrow, dispensing with the standing orders of this House, so that it may pass forthwith, and be transmitted to the Commons, and receive the royal assent before the close of the present session.

The bill was read a first time. [It received the royal assent 17 June. Stat. 5 Geo. 4th. c. 60.—“An act to carry into effect the will of Richard Payne Knight, esquire, so far as the same relates to a bequest by the said Richard Payne Knight, of a collection of coins, medals, and other valuable articles, to the British Museum; and to vest the said collection in the trustees of the said British Museum, for the use of the Public.”]

HOUSE OF COMMONS.

Thursday, June 10.

ABOLITION OF SLAVERY—TRIAL OF MISSIONARY SMITH.] Mr. Grenfell presented a petition from Falmouth, complaining of the unwarrantable treatment of the late Mr. Smith, at Demerara. The hon. member observed, that it was too much the fashion now-a-days to apply the epithets of methodist, fanatic, and saint, to any body who thought proper to complain of the hardships of the negroes in the West-Indies. He was neither a methodist nor a fanatic, and most certainly not a saint; but, as a member of a religion, inculcating peace and good-will to all men, and teaching the

precept of doing to others as he would wish to be done by, he would fearlessly declare, that he did not believe the declarations which had been made respecting the good treatment of the negroes. On the contrary, he thought that these poor creatures were the most wretched of the human species, and suffered under an infiction which was every way aggravated by their task-masters. He also believed that there was in Demerara a rooted objection to permit the slaves to be taught the doctrines of the Christian religion; nor did he wonder at it, when that religion could only inculcate more strongly the heinousness of their treatment. Entertaining these opinions, he should to-morrow give his cordial support to the motion of his learned friend.

Mr. Robertson could assure the House, that there were many in the West-Indies who highly recommended the diffusion of instruction by missionaries, and who thought that the Christian religion could be best imparted to the negroes, by that meritorious class of persons.

Sir I. Coffin said, that the blacks were contented and happy, as long as they were left alone, and without having their heads stuffed with nonsense, which they did not understand. He had seen thousands of negroes as fat and as jolly as the hon. member himself.

Mr. Warre protested against the wanton cruelty which had been inflicted by the recent commutation, as it was called, of the sentences of some of the black prisoners. To give a man his life, and then to torture him to death, was a singular sort of commutation. Yet such was the fact. What else could be called the sparing a man from being hanged, to inflict upon him the military execution of a thousand lashes? He hoped that while the government at home were so laudably engaged in discouraging and abolishing that species of torture, they would express such an opinion upon its infliction in the colonies, as would prevent a repetition of these acts.

Mr. Manning declared, that when he was in the West-Indies, he had seen no instance of the infliction of exorbitant punishments; and he could add, that pains were taken in the colonies to promote religious education.

Ordered to lie on the table.

ROMAN CATHOLIC CLAIMS—CORK PETITION.] Mr. Hutchinson rose to pre-

sent a petition on the subject of the Catholic Claims from the Catholics of the county and city of Cork. The petition was signed by 900 Catholics; and lest it should be supposed from the smallness of the numbers, that the Catholics were indifferent to the subject, he begged to state that there never was a time when they were more unanimous on the subject. The petitioners approached the House with respect, but with a deep sense of unmerited oppression and sufferings under the existing law. They preferred their claims on the broad principle of justice and political equality; they laid it down as an axiom, that equal and impartial justice should be dealt out to all members of the same community; and they asserted as to Ireland, that the empire could never enjoy peace and prosperity until all religious parties were placed on an equal footing. As parliament was to be prorogued in a few days, he was anxious to know what excuse could be offered, for the negligence which had been shown on this subject. In what manner it was to be explained that the ministers had not felt it to be their duty to direct the attention of the House to this great, and he might say, imperial, question. Should he turn round on the Catholics, and say, that it was to their apathy or misconduct that this neglect was to be attributed? He could not, in his conscience, say so. He had witnessed the loyalty of the Catholics, and their devotion to their sovereign, convinced as they were, that nothing but the advice of ministers was necessary to cause the fullest justice to be done to them. When he found them taking an oath of allegiance, unexampled in its nature, disclaiming all the abominable doctrines imputed to them; when he found them approaching parliament respectfully with their petitions; when he found them performing unexceptionably all the political duties to which they were admitted—as electors, jurors, grand jurors, and magistrates; when he looked into the page of history, and saw the battles that had been won by their valour; he could not say that the Catholics had, either by their indifference or their misconduct, merited the neglect which had been shewn towards them. He should appeal to the example of the other governments of Europe, under none of which was conscience made a cause of exclusion. If the ministers refused to bring forward the question at the time which was most auspicious for the discussion of it, they would be forced

into the discussion of it, when concession would look like fear, rather than justice. It was a question which must, for the general safety of the empire, be put an end to one way or other, and speedily too; and he was convinced that many of those Protestant gentlemen in Ireland, who had opposed the Catholic claims, would be glad to compose the distraction which they saw prevailing in Ireland, by a concession of the question.

Mr. *W. Becher* supported the petition. He was glad of any opportunity of expressing his opinion on this great question, though this was not the occasion for entering into a full discussion of it. All the friends of the question could do was, to induce the House to come coolly to the consideration of it, and to be in no manner prejudiced on account of the alleged misconduct of a few persons, on whom the injustice of the present laws operated most severely, and who could not be expected to feel or to express themselves respecting them, in the same manner as indifferent spectators. The manifestation of feeling on the part of these individuals was only an additional proof of the necessity of the repeal of the oppressive laws.—In a land of general freedom, no law could be made against a particular body of subjects which they would not be able with success to evade. What would be the conduct of the people of England, if the major part of the population laboured under the same disabilities as the Catholics of Ireland? If the people themselves were indifferent, would not persons of weight and consequence be found endeavouring to rouse them from a lethargy so disgraceful, and the most respected of those who now heard him would be branded with the name of agitators.

Ordered to lie on the table.

[*SMALL DEBTS IN SCOTLAND.*] Lord *A. Hamilton* rose, for leave to bring in a bill for the extension of the small debts act in Scotland. In doing so, he observed, that he did not act from individual feeling. In the report of the commissioners appointed to inquire into the state of the courts of justice in Scotland, it was stated, that the commissioners and the justices of the peace were unanimous in wishing for the extension of the act. Numerous petitions had also been presented in favour of the measure; from which it appeared, that creditors in Scotland often gave up debts of moderate amount altogether, ra-

ther than go to the expense of suing in the superior courts; whilst, in many cases, persons to whom 7*l.* or 8*l.* were due, reduced it, so as to come within the provisions of the Small Debts act. As the present session was so far advanced, he wished only to bring in his bill, and have it printed. The noble lord sat down by moving, for leave to bring in a bill to amend the 39th and 40th acts. of the late King, cap. 46.

The *Lord Advocate* doubted, whether the feeling in Scotland was so favourable to the noble lord's measure as was supposed. The bill looked only to the interest of the creditor; but that of the debtor deserved also to be considered. Here was a new facility to be given to the recovery of small debts, carrying of course with it a fresh encouragement to the giving of small credits. More than three-fourths of the persons now imprisoned in Scotland were imprisoned for small debts; and the bill gave a power of summary confinement to the creditor, beyond that which he possessed already. He had no objection to the bill being brought in and printed: but, upon examination, it would be found, that heavy objections existed against it. It was worth while to observe the mode of doing business in those courts, of which it was now sought to extend the jurisdiction.

Mr. *Maxwell* was favourable to the principle of the bill, but wished that something could be done to get rid of the system of imprisoning for small debts.

Mr. *Hume* wished to extend the jurisdiction of the courts in question to 15*l.*, and to get rid of all imprisonment for debt, both in Scotland and England.

Leave was then given to bring in the bill.

IMPRESSMENT OF SEAMEN.] Mr. *Hume* rose to bring forward the motion of which he had given notice. It was his intention, he said, to have moved for a select committee, as the best mode of inquiring into the means of remedying the evils of Impressment; but having, in the early part of the session, undertaken another inquiry in a committee, he felt he could not have done justice to either had he brought both forward at the same time. He had been compelled, by the necessity of attending to his own convenience, and to the convenience of other members, to drive it off to this late period of the session; and he should not

now satisfy himself, if he did not bring the subject under the notice of the House. He meant, therefore, to ask it for a pledge fully to discuss this question next session, and to move for such information as would enable the committee to inquire into it with effect. He was aware that the opinions of many gentlemen around him differed from his; but if those gentlemen would consider the measure in detail and view it without prejudice, they must, he thought, come to a conclusion, that the present system ought not to be supported unless the salvation of the country could be shewn to depend upon it. No man was more anxious than he was, to see our navy pre-eminently great, the just pride and boast of the country, and cherished as our best arm of defence, and he, therefore, would never propose any measure which would cripple it, or render it less powerful. Entertaining this opinion, his object was, not to cripple our navy by the measure he meant to propose, but to render it strong and irresistible; which, under the present system of coercive service, it never could be. Like other services, he thought the men might be engaged voluntarily for the navy. An opinion had lately been expressed as to the great advantages which voluntary service of every kind had over coerced service. That opinion was advanced, indeed, with regard to the slaves in the West Indies; and he was sure that all those who supported that opinion would agree with him in placing the navy on the principle of voluntary service instead of the principle of coercion of the most obnoxious kind—a coercion, too, which had not had the effect which individuals attributed to it; and which by estranging the hearts of our people, and making them shun the navy as a plague, or as a pestilence, instead of procuring seamen, had banished them both from the fleet and the country.

If such was a plain statement of the case, was it not worthy of the House to go into a committee to inquire, even though the result of that inquiry should be to shew that no alteration could be made in the present system without danger to the country? If such should be the result, would they not at least have the satisfaction of having attempted to remedy evils which were acknowledged to exist, and which were inflicted by a system opposed to the general principles of our government; which was founded on respect for individual rights? Impressment had certain-

ly existed a long time; and opinions were divided as to whether it was legal or not. In his view of the matter, it was of no consequence whether it was sanctioned by five hundred acts of parliament, or by as many precedents, or not. In either case it was still unconstitutional. Those statutes and precedents might make it legal; but that which was legal was not always constitutional. In times of necessity they all submitted to pass laws and make things legal which were quite unconstitutional; which shewed that the two things were not the same. He had endeavoured to make himself master of the various opinions on the subject; and he knew that, if judged by precedent, impressment by common law was warranted and proper. He found, by a reference to one of the ablest arguments which was ever delivered on the subject—he alluded to that of judge Foster, though he did not agree with him—that there were no statutes in favour of this practice. That opinion was delivered in the year 1743, on occasion of a press-gang going to board a vessel at Bristol, and one of the crew, named Alexander Broadfoot, fired, and killed one of the gang. On that occasion Mr. Serjeant Foster (afterwards made a Judge, perhaps for the very arguments he stated that day) attended. The man was brought in guilty of manslaughter, because there should have been an officer in the boat and there was none. The argument which Mr. Serjeant Foster, delivered on that occasion, was the best he had ever met with; and he admitted, that there was no statute then in force expressly empowering the government to impress seamen, but that it was founded on immemorial usage of the king's prerogative. But, if this principle was not repugnant to any statute or precedent, it was contrary to the principles of public utility. He knew there was a difference of opinion among both civilians and gentlemen of the navy—whether this practice were useful or not. But if the committee were appointed it could ascertain this, and satisfy the country whether it was beneficial or hurtful.

The hon. member then referred to another opinion of Mr. Justice Foster, which he had formed by mis-translating an act of parliament; as had been shewn by Baron Maseres, whose work he recommended to the gentlemen opposite. Since that time there had been no decisions to alter the character of impressment at com-

mon law; nothing had occurred either to support or weaken its legality, which still rested only on immemorial usage. He thought it was a proper subject for the consideration of the House, whether it was useful or not, and whether it was so pre-eminently useful, that, to continue it, all the rights of our sailors ought to be trampled under foot. It was curious to observe, that there was no class of men who were more praised—none whose actions were more held up to general admiration—than the seamen of England: and yet there was no class of subjects whose rights were so much encroached upon on the ideal plea of necessity. He found many records on the books of the House, of the alleged existence of this necessity. In the 5th of Anne it was stated, that the practice was absolutely necessary for the defence of the realm. This necessity had, at all times, been the plea of tyrants; but it was necessary for those who made such a plea to prove that it existed. He should show that it did not. In the year 1739, an attempt was made to bring in a bill to mitigate the evil; but he would, before he came to this, just mention the fact, that the ships which composed Admiral Blake's fleet were manned with volunteers. If in that instance, voluntary service had obtained seamen for the navy, the practice ought to have been kept up; but it seemed to be soon afterwards abandoned. The attempt to which he had before alluded, as having been made in 1739, had completely failed. The argument the government had then used was this—In time of war we will not act, as it is likely to endanger the country; in peace we will, but then there is no evil to be remedied. The subject had been again brought forward in 1749, 1758, and in 1777, when a bill was brought in by a gentleman, which excited considerable sensation; and it was brought in at the recommendation of a lieutenant. Tomlinson, who had published a very clever pamphlet on the subject. The bill did not succeed. He would further allude to an attempt which had been made in 1696 to register seamen, by which 30,000 were always to be made available for the public service. This scheme was suspended, on account of the expense it caused; but it was repealed before there was time to experience its effects.

No other efficient measures had ever been tried. On many points, such as the pay and the provisions of the seamen, there had been a great amelioration in the

service; but in spite of all these improvements, there was among the sailors, up to the latest period of the war, as strong a dislike of the naval service as ever, and as strong a disposition to desert. Desertions, in fact, constantly took place: the seamen mutilated themselves, and ran any risk rather than remain. To shew what was the state of the seamen's minds, he would read an extract from an excellent pamphlet published by captain Marryatt, which would fully prove that their hatred of the service was not lessened at the close of the war. The hon. member then read an extract, stating, that, in 1814, capt. Marryatt was appointed to the Newcastle; that while he was on board, some of the men, in view of the sentinels, and in presence of their officers, got down the ship's side, took possession of one of her boats, and though they were fired at with ball-cartridge, succeeded in gaining the shore and effecting their escape. From every opportunity which he had of judging, he observed, that this disposition to desert did not arise from a dislike of the treatment by their officers, but from their natural abhorrence of compulsory service. Captain Marryatt also stated, that when the Newcastle was in chase of the American ship the Constitution, she had one hundred men less than her regular complement.

This, then, was a proof of aversion existing, up to the close of the war; and he thought it was a rational object of inquiry to ascertain why that aversion existed. Why, he wanted to know, did this aversion exist among the seamen when there was no aversion among other classes? Why, he wanted to know, when we got plenty of admirals, plenty of captains, and plenty of midshipmen, why was it that we could not get plenty of seamen? Why was it that there were no men to be got for the navy, when there were plenty of men to be got for every other situation? One reason was, that they were not sufficiently paid. The labourer was worthy of his hire; and why should not the seamen be paid like other men? There were many advantages in the king's ships which the seamen in the merchants' service had not. In every man of war the men had the best medical attendance; and there were good hospitals to receive them when they were sick, which men in the merchants service had not. Their provisions also were better, and abundant. They had a regular supply

of liquor, to which sailors attached great value. Then, they had the chance of being made petty or warrant officers, and in that capacity, there were pensions for their widows. When the navy possessed all these advantages, certainly it was a curious subject for inquiry, what could make our seamen mutilate themselves, and subject themselves to all kinds of misery, rather than enter the service. He was satisfied no sophistry could solve this question. It was necessary that there should be an inquiry to ascertain what were the advantages and what the disadvantages of this system. If it was the coercion of impressment which made all its other advantages be overlooked, was it not right to ascertain the causes of this aversion? The House would not do justice to themselves, or the country, if they refused the inquiry which he should propose. If, in that inquiry, the absolute necessity of the practice could be proved, why then a great good would be done; but, if it could be shown, that the evil might be altogether avoided, surely no man would contend that it ought to be continued.

He had mentioned that seamen of the royal navy possessed many advantages not enjoyed by merchant seamen. He would now mention some of the disadvantages under which they laboured, and which, in addition to the forced service in the first instance, created such a repugnance to enter our ships of war. In the first place, he would mention the irregular mode of payment to our sailors. He would admit, that a considerable improvement had been effected in this respect by lord Melville, by what was called the Allotment act; but, that the system was far from being perfect would appear from this—that in many instances, five, six, and seven years, and in others ten, twelve, and fourteen years, were allowed to pass over, before a seaman was paid his wages in full. In the interim, he received only an occasional pittance, which did not serve his wants for the time being. Was it possible that men who had earned their money with so much labour should be satisfied with such a system? He might here mention the small amount of the seaman's pay on board a king's ship. In the time of William the 3rd, the pay of the seamen was 24s per month. It was at present not more than 32s. How could they be satisfied with such pay, when they found that men in the merchant service obtained 3, 5, 7, and

sometimes 11 guineas per month? Let the House look to the condition of the American navy. There was no impressment. America, the only nation which could attempt to rival us on sea, had no impressment of sailors; and, if they could man their navy efficiently without that practice, why might not we? If we should hereafter meet America in hostility on the seas, we should have to contend on very unequal terms. It would be a contest of freemen against slaves: for, under the present system, our seamen were not freemen; they were as completely slaves as any galley slaves that were ever chained to the oar; and were far worse than the slaves in the West Indies. America purchased the voluntary services of her seamen; and why should not England do the same? Why should America, a poor and an infant state as compared with England, pay her seamen double or treble the wages that we paid ours? In America, too, the sailors were regularly paid every two months; while in our navy the poor seamen, after returning from some distant voyage, were sent to India, or to some other remote station, for five or six years, during which time they did not receive a single shilling; and on their return were paid what was due to them in a mass, to be thrown away, as under such circumstances might naturally be expected. All this might be easily and completely remedied.

The next point to which he wished to call the attention of the House was, the indefinite length of service. They had heard a great deal lately, and very properly, on the subject of negro slavery. They had heard a great deal of the cruelty of dragging negroes from their families on the coast of Africa, to work on our sugar plantations. He, for one, would never lend his support to negroe slavery; but he for one, would also contend, that the reasoning which was applicable to the natives of Africa, was equally applicable to the natives of Great Britain. The House could not refuse to impart to British seamen the protection they were disposed to grant to African negroes; especially when they recollected, that the latter were not natives of a country in which they were promised protection and freedom, but from which they were dragged by a press-gang. The manner in which British seamen were sometimes seized for the naval service, he would not attempt to describe. He had himself, on arriving

in England during war time, seen the alarm excited among the crew of an Indiaman. No sooner was the vessel in port than she was boarded by a man-of-war's boat, and men who had been absent three or four years from their country were at once disappointed of their hope of revisiting their family and friends, and carried off perhaps to some station as distant as that from which they had just returned. Was not this a state of things which ought to be put an end to? At any rate inquiry ought to be instituted into the practicability of putting an end to it.

There was another great cause of complaint among the sailors; namely, the being deprived of leave to go on shore when their ship arrived in any port. He was quite aware that when men were taken compulsorily into the service they would, like birds confined in a cage, endeavour to escape. But that was an additional reason for putting an end to a system of coercion, which thus involved in its consequences volunteers, as well as pressed men, and subjected them all to a sort of imprisonment. He was persuaded that this disposition to escape would not evince itself under better circumstances. Other countries felt no difficulty in that respect. The American sailors evinced no disposition to desert; although they were allowed, on the arrival of their ship in port, to go on shore, and make their own markets. The fact was, that sailors were just like other men. A few of them might be very bad, and rendered worse perhaps by that degrading treatment which prevented them from having any thing like fair play. It seemed, however, to be supposed by many persons, that sailors were quite different from other men. But he was quite satisfied that they might be made whatever it was tried to make them. The fact was, however, that we had mistaken the manner of managing our sailors. As far as he had had experience of them, sailors were blest with as good qualities as other persons, and were as kind, as faithful, and as brave as any class in the community; and yet they were treated with a description of discipline applicable only to felons, and the most obdurate characters. Let any hon. member change places in his own mind with a sailor, and consider how he would feel under such treatment. Sailors might be repressed by physical force; but it was contrary to human nature to suppose that they could be otherwise than dissatisfied.

Another point to which he wished to speak, was the mode of punishing sailors, and the severity of the punishment. This might be thought a delicate subject; but it was one that ought not to be passed over. But, first, he was anxious to say a few words on our code of maritime law. The articles of war appeared to him to require much revision. At present, they subjected every man to whatever punishment the whim of an officer, or the sentence of a court-martial, might inflict. One great object of the inquiry which he proposed to institute, would be, the nature of our maritime code, and the practicability of improving it, and of getting rid of the odium that at present attached to it. With respect to the punishment of sailors, it appeared to him to be so objectionable, that he appealed with confidence to a government which had shown so much sensibility towards black, to evince a little of it towards these white slaves [hear, hear!]. Notwithstanding that cheer, he repeated it, that they were white slaves, and he was prepared to prove that they were so. What was it that his majesty's government had done in favour of black slaves? What was it that was intimated to the governors of our West-India colonies in the circular, commonly called lord Bathurst's letter? After directing that legislative measures should be proposed in the colonies having legislatures for preventing the punishment of flogging in every case where the offender was a woman, and pointing out the necessity of prohibiting the use of the whip in the field, lord Bathurst proceeded to say, "I have now, in addition to those instructions, to direct, that you will cause some effectual law to be submitted to the legislature for preventing any domestic punishment whatever, until the day following that on which the offence may have been committed, and even then, except in the presence of one free person, besides the person under whose authority the punishment may be inflicted. If the punishment should exceed three lashes, it should be provided that a regular entry should be made in a plantation-book, to be kept for that purpose." What he submitted to his majesty's government and to parliament was this: If they prohibited the slave-owner in the West-Indies from inflicting one single lash, except on the day after the offence, by which time the passions might have time to cool, would they permit British seamen to be punish-

ed, not with three but with two or three dozen lashes, without any court-martial, or other inquiry into his culpability; on the order of his officer, and at the instant when passion might be presumed to influence the judgment? Surely, it was impossible that they could continue to subject British seamen to the whim and caprice of individuals in power over them, while they thus interfered on behalf of the black slaves of the West-Indies. An end ought to be put to all immediate punishment. No punishment ought to be inflicted but by the sentence of a court-martial; and then not until that sentence had been approved; a proper time having been allowed for its consideration, as in the army. He did not speak of offences in the presence of the enemy. Those, of course, must always be dealt with in a summary manner. But, in general, immediate punishment ought to be put an end to.

With regard to the punishment of flogging, he had been told, that it would be impossible to carry on the naval service without it. He believed, however, that some of the best officers in the navy were of another opinion. No doubt there was some improvement on this point. There were times when corporal punishment, in the navy, was carried to an excess, the contemplation of which must make every benevolent man shudder. Even at the present moment, notwithstanding the checks which the Admiralty had endeavoured to interpose, by directing that returns should be made of the number and extent of punishments, &c., excessive punishments occasionally occurred. In proof of this, it was only necessary for him to refer to the trials of several naval officers for the infliction of severe punishment on their men. Some of those officers had been reprimanded, others had been suspended. The fact was, that when men were vested with unlimited power, it was impossible to foresee what they might be tempted to do. Well might the hon. member for Bramber say, that no man ought to be trusted with absolute power. He had been anxious to ascertain the facts of some of the cases of what was called "starting," &c., to which he had adverted. One of those cases was that of the captain of the *Dispatch*. It appeared that during one voyage there was scarcely a man on board that ship who had not received corporal punishment. On her return into harbour the

Port Admiral went on board, and investigated the matter, and was so satisfied of the fact, that he superseded the captain. A single instance of such a nature occurring, notwithstanding all the checks interposed by the Admiralty, proved the insufficiency of those checks, and the necessity of some legislative interference. He had received a letter from an individual, in which the writer offered to be examined at the bar of the House, and to give his evidence with regard to the general treatment of sailors, and to the system of flogging in the navy. Returning to England in an Indiaman, this individual was pressed, and sent on board the *Lion*, of 64 guns, captain Rolles, and carried off to China. The account which this individual gave of the discipline on board the *Lion* was, he believed, a specimen of what frequently occurred. In the first place, with regard to provision, the crew were placed on short allowance. It appeared also that, besides extra days, captain Rolles had two regular flogging days, Thursdays and Sundays. On Sundays, after prayers and a sermon by the chaplain, the men were ordered to be turned up, and an extensive flogging generally took place. If it were proved, that any man had one dirty shirt in his chest more than he ought to have, no matter how many clean shirts there might be, he was flogged to a certainty. There was every reason to believe, that on board the *Hermione*, the crew of which frigate rose and murdered the officers, the discipline had been much too severe; for it was stated by a writer on the subject, that the character of her captain was the opposite of humanity. He was persuaded that a very different system would be introduced, if strong measures were adopted on the subject. Hitherto, officers who disobeyed the instructions of the Admiralty respecting it, although they had been dismissed, were speedily reinstated; so that their punishment was merely nominal. That a different system was practicable was evident, from the conduct of several officers—conduct in the highest degree honourable to them. He had been informed by as intelligent and as zealous an officer as any in his majesty's Navy, who had served as a lieutenant for 18 months on board the *Bulwark*, of 74 guns, that during the whole of that time he had not known of a single corporal punishment on board that ship; although in discipline she was so complete and efficient,

that she might on that point challenge any ship in the fleet. In a pamphlet on the subject, it appeared that on board the *Larne*, captain Tatham, there had not been any corporal punishment for a long time. When captain Stewart took the command of the *Dictator*, in the North Sea, after in vain trying flogging in various degrees, he had recourse to putting offenders on bread and water for two or three days; by which means he made the *Dictator* a most orderly ship.—Lieutenant Standish Hayley, serving under captain Gower, now admiral Gower, stated, that in captain Gower's ship there was no corporal punishment. Such was the general result of his inquiry into the subject. What had been done in one instance, if only one instance instead of so many had been adduced, was sufficient to prove the practicability of an amelioration of the system. Unfortunately, however, our men of war were too frequently commanded by young and inexperienced officers; and many excellent seamen were, in consequence of their apprehension of the treatment from such persons, induced to avoid the navy, as they would a pestilence.

Another, and the worst of all evils to which it was desirable that the inquiry should be directed, was the system of impressment. It was well known to every individual conversant with naval affairs, that the manner in which press gangs acted placed the whole naval community in a condition perfectly repugnant to the spirit of freedom. The bringing of men by coercion into a state of imprisonment was a system which ought not to be persisted in in this country. These were some of the grounds on which he rested his motion. He feared that he had trespassed on the patience of the House, but it was necessary to render the subject intelligible. Taking them altogether, it appeared to him that they loudly called on the House to enter into an investigation, in order to ascertain if a mode could not be devised, by which the navy might be regularly supplied with volunteers. There was no occasion to give any great encouragement to our naval officers. Plenty of captains might be obtained without bribery. He objected, therefore, to the mode of distributing prize-money, and still more to the profits which the captain of a man of war derived from the freight of specie, plate, &c. Why not distribute the prize-money principally among the

class of men who were unwilling to serve, as an inducement to them to enter? By the present distribution of prize-money, the captain had three-eighths, the lieutenants, master, &c. one-eighth; the warrant officers, one-eighth; the petty officers, one-eighth; and the foremastmen one-eighth among them. Thus, if a vessel, with a compliment of 450 men, captured a prize worth 1,000*l.* the captain received 375*l.* while the whole of the seamen shared only 250*l.* among them. If they wished sailors to enter the navy, was that the way to induce them to do so? Then, with respect to the allowance for carrying specie, he had no objection to it, when the money belonged to private individuals; but when it was public property, the practice appeared to him to be a solecism.

There was another question of great importance to be considered, and that was, in the event of a war, how we should stand with America, and with the naval powers of Europe, with respect to the right of search for British seamen—a right we had never relinquished? The system we had adopted of visiting foreign ships, in order to take out our own men, had cost us ninety-six millions in the late American war; for he laid the whole of that war, and the expense arising from it, at the door of the practice of impressment. If we had not had any impressment, we should not have had that war. The practice of searching foreign vessels stood number one among the causes of discontent against this country cherished by foreign nations: and especially by the natives of the United States. No man who had not inquired into the subject, could be aware of the immense importance which had been attached to this question in America. He held in his hand a copy of an American account of men taken from their ships by the British, which had been published throughout America, and had greatly contributed to fan the flame of indignation against Great Britain. He believed the paper in which it had been published was called “*The Olive Branch*,” a name certainly not very indicative of its character and object [the hon. gentleman here read one or two of the cases mentioned]. These cases might be overcharged—he had no doubt that they were overcharged; but still they had had the effect of exciting great discontent in America, and proof ought to be given, that there was a necessity for persevering in the system in which that discontent originated. Should

our system of pressing be persevered in, what security could we have that, in the event of war, our seamen would not flock to Holland or to France, or still more to America, where the language was the same as their own? The mischief resulting therefrom might be incalculable; and the present was undoubtedly the most proper time for considering a national question of so much importance. What was the practice in America? There was no impressment in that country. Every sailor was a volunteer. On entering he received a liberal bounty; and his term of service was limited.

One point which it was expedient on our part to discuss was, whether, even if we were obliged to adhere to coercion, the term of service ought not to be limited. But, if impressment was justifiable at all, it could only be on some very extraordinary emergency. He was quite aware that the present subject was not agreeable to many who heard him. The details would appear tedious to some: to others, whose opinions had been previously made up, those details were of little consequence. But to him, when he contemplated the melancholy circumstances that might result from a pertinacious adherence to our existing system, they appeared to be of the highest importance. What was the practice of France? There the system was, in some degree, one of conscription, chiefly of sailors belonging to the merchant service and of fishermen; but it was for a limited term of service, and exempted the individuals from subsequent service in the army. It was very desirable to ascertain the exact practice of France and of other naval countries in this respect. Whatever they found expedient approximated to a parity of reasoning in favour of the adoption of a similar plan by ourselves. For his own part, he certainly had imagined a plan, which he could without difficulty submit to the House. But he thought it would be presumption in him to do so, without previous inquiry and examination of details. He thought that he should act more wisely, and in a way more calculated to produce a good effect, by proposing a parliamentary investigation by a committee, in which every description of plan might be fully considered. He had stated what the evils were: he now called upon them to devise a remedy; and thereby to place British sailors on a footing with every other class in the community. By various means,

by holding out inducements to tradesmen and other landsmen to enter the navy, by granting greater remuneration and more extensive privileges to sailors, and by other devices of a similar kind, it appeared to him that there would be no difficulty in establishing a volunteer instead of a coerced marine. The expense of the present system might be most advantageously converted into one of the means of effecting so desirable an object. That expense was very considerable. He understood that during the late war the number of men employed in the impress service exceeded 3,000; and that the expense of that service amounted to between 300,000*l.* and 400,000*l.* per annum. Upon the grounds he had stated, he really thought no hon. gentleman, however disposed he might be to vote against the motion, could, in honour or justice, refuse to vote for such an inquiry as a committee might institute. He was most anxious that such a committee should be appointed; but at present he asked only that hon. gentlemen would pledge themselves to such a measure in the ensuing session. He would now conclude by moving,

“That this House, being well aware of the difficulty of manning the Navy in a time of war, and of the evils of forcible impressment of seamen for that purpose; and considering that a time of profound peace will best admit the fullest and fairest examination of that most important subject, will, early in the next session, take the subject into consideration, with the view to such regulations as may obviate the evils consistently with the efficiency of the Navy, and the best interests of the country.”

Mr. *Robertson* said, he would second the motion, because he thought inquiry was a good thing; but he was by no means satisfied that such a committee as the hon. gentleman recommended would effect the purposes which he appeared to anticipate from it. For his own part, he was not sure that there was not much less disposition to desertion in the navy than in the merchant service. He did not believe it possible to do without the impressment of seamen; but being willing to see whether any thing, and what, could be done towards attaining the objects which the hon. gentleman had in view, he would support the resolution.

Sir *G. Cockburn* said, he found great difficulty in following the hon. mover through the very extended range which

he had taken in his speech: for though the hon. gentleman had stated, in the commencement, that he would confine himself to the question of impressment, he had digressed, at a considerable length, into the subject of the discipline of the navy. In his answer, it would be necessary for him to divide his observations into two parts; the first relating to impressment. Indeed, the subject of impressment had been almost got rid of by the very seconder of the motion: who had asserted his belief, that impressment could not be done away with. Now, in the case of an evil of this description (for an evil he admitted impressment to be) if it could not be got rid of, it was much better that no hopes should be improperly held out. He was satisfied, however, that he spoke the sentiments of every naval officer in that House, when he said, that they would be delighted, if it were possible to carry on the service without continuing the practice of impressment. Every body would feel how unpleasant it must be for officers to command men who had been brought by force to serve under them, and whom they were to take into battle. But still he must declare, that his own moral conviction was, that there was no possibility of maintaining our naval strength and superiority, without maintaining also the law of impressment. He called it a law, though he felt how unequal he was to argue a point of law to the House; but the hon. gentleman might have told them, that lord Mansfield, when a seaman who had been impressed was brought up before him by habeas corpus, finally disposed of the case by saying, that the man had not shown sufficiently that he was exempted by the statute, and had not proved any common law right against the impressment: and therefore he sent him back to the ship to which he belonged. Lord Kenyon, in a judgment on a similar case, had extended the liability to impressment to all persons exercising employments in the seafaring line. Now, there was one other clear reason why, as he thought, this power of impressment could never be parted with—the country could never have a sufficient number of men to man both the navy and the merchant service, unless the same number of men were maintained in time of peace as in war. It was quite clear that, at the conclusion of a war, when 100,000 seamen were brought in to our ports and paid off, there could be little or no employment for them, and they

would disperse in every direction. But, supposing they got employment of a different sort, what would be the consequence? He appealed to all his gallant naval friends who heard him, to say whether the trade of a seaman, like every other trade, did not require constant employment to keep him effective. Even if they were all kept in barracks together on shore, the effect would still be the same; not to mention the enormous expense that the country would be put to. The fact was, however, that our ports were full of merchantmen, manned (no thanks to the hon. member for Aberdeen) from the full war complement of our navy. What, then, would be the state of the country at the breaking out of a war? These men could all be got at, and made available: for our merchantmen were full of them. But, on the other hand, in war, our navy took charge of the merchantmen; and for a merchant ship, landsmen, old invalids, and ordinary seamen would suffice; therefore, though it could not be denied that the system was liable to objection, yet it must be allowed that it worked well; and that no difficulty was experienced, except that which arose from taking the men by force, instead of receiving them as volunteers. Unless this system had been ascertained to be tolerably effective, could any one suppose that, in the state in which Europe was, even only a year ago, our men of war could have remained quiet in their harbours? Before, however, volunteers could have been got, our naval force must have been enlarged to such an extent as would have enabled it to cope with the navy of France, at least. As it was, however, our ships remained quietly in port, without any additional expense to the country and yet a sufficient number of hands might at any time have been got out of our merchantmen in any corner of Europe. He did not know whether the hon. member for Aberdeen was aware, that seamen were impressed in time of war only, and not in time of peace. It was only in cases of emergency, as at the breaking out of a war that the power of impressment was exercised. The very preamble of the press-warrant recited this emergency. Now, the House would recollect that during the whole of the war we had a larger commerce than even during the peace, for we had in our own hands the commerce of the whole world. But the hon. gentleman had talked a great deal

about the superior facilities of manning the American navy. Why, it must be obvious, that to man our navy, which had the whole of our vast commerce to take care of, and which was enlarged to a force of 800 vessels of war in service, was a much more difficult thing to do than to man half a dozen American frigates. Yet this increased difficulty of manning our ships was brought by the hon. gentleman as an argument against the service generally. It was not to be denied, that occasionally during the war, such a difficulty did occur: but, after the peace the difficulty had gone all the other way. He had received a letter, for example very recently from a friend of his on board an East-India-man. The letter stated, that the India-man had been lying at anchor for six weeks, unable to proceed because of the number of her hands who had deserted into a man of war. Indeed, the Admiralty—perhaps, going beyond what they were strictly authorised to do—had found it necessary, owing to repeated complaints of the same evil, to issue orders to commanders on foreign stations not to take on board hands who offered themselves out of merchantmen. Yet by statute, it was very certain that every man had a right to enter himself on board a man of war; and, by doing so, he cleared his articles with the master of the merchantman. Notwithstanding this, so numerous had been the representations he spoke of, that the Admiralty had been compelled to direct commanders not to take merchant seamen in cases where their quitting was likely to distress the merchantman. It had happened to himself at St. Helena, to be under the necessity of making a similar order, upon many applications from merchants and masters. Now, the hon. gentleman had unfairly imputed to the British navy this defect—that the seamen were very prone to desertion; and this disposition the hon. gentleman attributed to the effect of impressment. He had then contrasted the case of the American navy, contending, that because their seamen were volunteers, they were to be trusted, and never deserted. Now, it was but a very little while ago that he (sir G. C.) had received a letter from a commanding officer on the Mediterranean station, in which the officer wrote to this effect—“I am now lying alongside an American 74. My men go ashore by themselves in divisions every day, and return always when their leave is out. Her

men never go ashore without a guard over them, to prevent them from deserting; and they are constantly applying to be taken on board us as seamen." He would contend that the condition of a British seaman now on board ship, was perhaps better than that of any man of his class. The state of the country did not allow men enough to man both the merchant service and the navy; it was therefore our policy to keep up in time of peace a sufficient number of seamen to man the ships of war in commission upon the peace establishment. At the present moment, however, the commerce of the country had become so extended, that it was thought necessary to make some addition to the complement of men allotted for the squadron which was maintained by this government. Beyond the number required for the merchant service, and that peace squadron, it would be impracticable to keep up any considerable body; for the effect of attempting to do so, would only be, to drive them into foreign service. To create a greater body of seamen than there was an actual necessity for, was to do mischief instead of good. His own mind was quite made up to oppose the hon. gentleman's motion; but more particularly as it went to give a pledge for the next session, which would be tantamount to a declaration, that parliament was intending to do that which it felt it would be improper to induce any person to expect.—He now came to the second division of this subject—the discipline of the fleet. The hon. gentleman thought, that one of the greatest defects of the service was the power given to captains to punish wrong-doers. Here, again, he (sir G. C.) conceived the power to be absolutely necessary; admitting, that those ships wherein it was least exerted were generally the best managed and the best regulated. But, let the House picture to themselves the case of a few officers—say eight or ten—perhaps strangers to the ship and crew, coming on board a ship of the line with a crew of 800 men, whom they were destined to command, and about to sail with to the most distant latitudes. It was known that the very dregs of the people, the worst criminals even, were not unfrequently sent on board ship; and, could it be doubted that over such a crew, and under such circumstances, it was necessary to invest the commander with a power of punishment, calculated to strike a momentary

terror, and to repress the dangerous disturbances that would be so likely to arise at a vast distance from their home, among a multitude of men, removed from the more immediate contemplation of the laws and tribunals of their country? But, while he was for preserving this power, he was for using it as seldom as possible. The very knowledge that it was possessed, might often deter men who were ill-disposed from the commission of violence, or from other misconduct. The hon. gentleman had suggested, that there should be some alteration in the mode of paying ships on foreign stations; and, when sailors had been long abroad in them, it was certainly desirable that they should be furnished with a part of the monies due to them. But, it was not to be forgotten, that much had been already done towards this end. By the allotment system, the sailor could leave half his pay to be taken up by his family at home. While at sea he had his victuals as much as he wanted his, wine, his cloathing, and all necessaries; and when he was ill, he had every medical attention; so that he could only want money for a "frolic," as it was called, on shore; and a very natural wish on his part it was. But, it was not to be denied, that if it was an advantage, that the seaman could leave half his pay, it was equally agreeable to him, on his return from a long cruise, that he could receive the other half all at once: for it was well known that a sailor at all times liked to have a "whack" of money, when he came home wherewith to enjoy himself. Without holding these up, however, as temptations to a service which required nothing of the sort, he would maintain, from his own information and experience, that, generally speaking, service on board an English man of war was the most popular service in the world. The statements which the House had heard from the hon. gentleman were very much exaggerated. At this moment British seamen were disposed to be contented, particularly since they had received from the liberality of parliament that boon in the "long service pensions," which would do them more good, and effect for the service a far more permanent benefit, than all the hon. gentleman's speeches. Every sailor, after 14 years' service, unless he deserted, was now entitled to a pension for life: and after 20 years' service, not only to a considerably increased pension, but to demand his discharge, the Admi-

rally having steadily refused to entertain the very numerous applications that had been made by seamen who had deserted, and wished to avail themselves of those privileges, to get the "R" taken from their names in the books of the Navy office. He was confident, that in a very few years, the crime of desertion would be more scarce in the British navy than in any other public service. He should therefore decidedly oppose this motion, and hoped to be in a large majority against it.

Sir Isaac Coffin said, he should not have spoken on this subject if the hon. mover had not called the navy the "white negroes." Now, the moment an impressed man was brought on board ship there was no difference between him and a volunteer, and more volunteers ran from ships of war than pressed men. He could enumerate a number of eminent persons in the navy who had been originally pressed men. There was old admiral Bowater, he was a white slave. There was admiral Mitchell, he was a white slave. There was sir T. Trowbridge, he was a white slave. There was captain Butterfield, who was impressed in 1793, and was a captain in 1798. There was captain Cook, one of the first of navigators he was another; and there were, he had no doubt, 20,000 of these white slaves. If the men were not otherwise to be had, it was necessary to press them; and if they had a good bellyfull of victuals, coats on their backs, and medicine when they were sick, they could not be called slaves.

Mr. Hobhouse said, that a man might have a good coat on his back, good victuals in his belly, and medicine when he was sick, and yet be the veriest slave that ever crawled. As to the expression which his hon. friend had applied to the navy, and which the gallant admiral had noticed, it was only intended to convey the assertion, that seamen were not in possession of the privileges of other Englishmen; an assertion which could not be otherwise than correct, while they were liable at any time to be taken from their family and friends, perhaps never more to be heard of. His hon. friend was not the first person who had found fault with the system of impressment. Hume had mentioned it as one of the three great anomalies of the English constitution—that an Englishman who was so free in the eye of the law, that the highest power in the kingdom could not arbitrarily imprison him for a moment, should be taken away

for years. The gallant officer had confessed that the impressment was considered in the navy a great grievance; and had defended it solely on the ground of necessity. He had conversed with an officer of the navy, deservedly decorated with one of the orders, who said he was quite confident, that in the next war it would be impossible to carry press-warrants into execution—that from the increased knowledge which the people had of their rights, the resistance to press-gangs would be ten times more sanguinary than it had been. During the hot-press in time of war, respectable inhabitants of Westminster, who lived near the bank-side never stirred out except armed with knives, to resist the press-gangs. They knew the legal decisions on the subject; but all the decisions in the world would not prevent them from resisting this atrocious violation of natural right; for such he must call it, when a person was violently torn from his family and friends. As to the legal decisions on the subject, judge Foster was the first person who had ventured to say it was legal, though, in a qualified manner. Lord Mansfield had followed, and said, that impressment was so general a right that there must be a statute to exempt a man from its operation. This was a pretty specimen of the manner in which the liberties of the subject were treated by those who should be their defenders. The fact was, that there never was any thing like law on the subject. As to the necessity, there were but 140,000 men in the navy at the time of the greatest amount of our maritime force; and, of these, 30,000 were marines. So that in order to get 110,000 men, it was necessary, with a population of 17 or 18 millions, to resort to these violent and illegal measures, and to fill ships sometimes, it was said, out of gaols. Now, was not this a proof that some inquiry was necessary on the subject? The gallant officer had laid down two positions; which were extraordinary enough from a person so zealous in defending the character of the navy—first, that the navy could not be filled without force; secondly, that the character of British seamen was such, that it was absolutely necessary that they should be subjected to corporal punishment at the arbitrary pleasure of the commander. Now, the gallant admiral seemed to think that that House was not the fittest place for instituting such an inquiry. He seemed to imagine, that if an amendment

were to be made in the present system of manning our navy, those who advocated such a measure must seek it elsewhere! If he had rightly heard the gallant admiral, he understood him to say, that parliament had done a great deal for the navy; that they had taken care to increase their pensions; and had, in fact, introduced measures more beneficial than any likely to be produced by his hon. friend's speeches. But if it was the duty of that House to take into consideration the pecuniary concerns of the navy, why should they not inquire as to whether that navy could not be manned without an infringement of the rights and privileges of British subjects. The mode of impressment into the British navy was a blot on our history, of which all writers had complained. And, whatever might be his opinion of that House, he felt it to be a place in which a man could lift his voice in defence of his country's honour and character, and in support of the rights and privileges of his fellow subjects. He was not vain enough to suppose, that any thing which fell from him could bring a single vote from the gallant admiral, or the gentlemen by whom he was surrounded; but he felt that by expressing his opinions there, he had an opportunity of forcing upon the attention of the country that which, if not expressed in parliament, could be no where expressed with effect. The hon. gentleman who seconded the motion, seemed to be of opinion, that inquiry was a good thing: but he went on to say, that he was not sure that the plans of the hon. mover could be agreed to. At all events, it was admitted by the hon. gentleman, that an inquiry was necessary; and that was all for which he and his friends contended. He was not aware that his hon. friend meant to enter into the question of punishment in the navy; but, in the event of the House agreeing to the appointment of a committee in the next session, he saw no reason why that part of the subject should not be entered into also. Was there any naval officer who would not own that the present system was a crying evil, and ought to be got rid of? And if so, how were they to get rid of it, but by a calm and dispassionate inquiry? The gallant admiral opposed the inquiry, on the ground that it would create discontent. It would do no such thing. It was the duty of that House to use every effort to rescue the people of England from this odious and disgraceful

badge of slavery. He would ask, whether the navy were contented with the impress system; and whether they would not prefer an inquiry into a remedy of that abuse? The evil was acknowledged, and even its supporters were anxious for a remedy if it could be found.

Captain *Gordon* defended the system at present pursued in the navy; at the same time admitting, that the impressment of sailors could only be justified on the ground of necessity. He implored the House to consider well before they deprived the navy of a power which was necessary to its greatness, and the removal of which might be a death-blow to its safety [hear, hear!].

Mr. W. Smith said, that gentlemen opposite, while they admitted the evil, were determined to withhold the remedy. To him it appeared, that the discipline and interests of the navy were closely bound up with the present question. He would refer the House to what had been done for the army. The improvements made in that branch of our service were owing, not more to the exertions of the commander-in-chief, than to the eloquent addresses of the hon. baronet near him (*sir F. Burdett*). Not only the army, but the country generally were highly indebted to that hon. baronet for his unwearied exertions [hear, hear!]. He was decidedly in favour of his motion, as he felt that it could produce no harm, and was calculated to effect much good.

Sir G. Clerk certainly thought the proposed inquiry would be most advantageously conducted by the Admiralty. The objections which the hon. member had started had not escaped the attention of that Board, and had been remedied as far as possible. With regard to the crying evil of pressing, he was ready to admit, that it could only be justified by necessity. But, how could they otherwise man a fleet in a case of emergency? It was objected to the impress system, that it dragged men to fight against their inclinations; but this objection would hold equally good against the most constitutional force of the country—the militia, into which every man, from eighteen to forty-five, was liable to be made to serve. As a proof, that men would not voluntarily relinquish their other employments and join the naval profession, he had only to state, that even now, in time of peace, there was not a sufficiency of men to fill up the merchant vessels, and to man the

small fleet maintained by the country. He could not see that any benefit would arise from the proposed committee.

Mr. *Warre* observed, that hon. gentlemen on the other side, had treated this question throughout as one entirely to be decided by the opinions of professional men, and as one in the discussion of which other individuals were incapable of participating. With that view of the question he decidedly differed; and though he acknowledged the benefit of such opinions, he did not think that to them alone the decision of the question ought to be entrusted. There had been inquiries on subjects similar to the present, conducted by unprofessional men, without any disadvantage. He alluded to the board of naval inquiry and the board of naval revision, at both of which several civilians had sat as members. But, even supposing the opinion of those hon. gentlemen he had referred to to be correct, still that was not an answer to the present motion, as there were several members of the House who would willingly give their professional assistance in the investigation of the subject. It was notorious, that according to the present practice of impressment, individuals who had never been at sea before, were often seized and sent on board a vessel. He had heard of an instance of that kind, which, however ludicrous it might appear, was nevertheless true. A coachman had been seized by a press-gang, and in spite of his representations and remonstrances, had been sent on board the tender, where he remained all night, and on the following morning actually appeared before the officers in his coachman's habiliments. There was another circumstance to which he wished to call the attention of the House, and that was, that this system was peculiar to England, and to England alone. Other countries had, like England, been distinguished for commercial enterprize and naval glory; one especially had sent large fleets to sea; and yet, as far as he was acquainted with the subject, he believed he might safely assert, that Holland had never resorted to this mode of manning her fleets. He regretted that any hon. gentleman should have introduced American affidavits, affecting the character of a highly meritorious officer, for he believed those affidavits were, at one time, an article of very frequent manufacture. One of these affidavits had lately been published by Mr. *Cobbett* in a number

of his Political Register, under an article entitled "Blue and Buff;" and he had no hesitation in saying, that it was accompanied by most unjustifiable and unfounded remarks, and that in fact the whole article was as vile and calumnious as had ever issued from the pen of a vile and calumnious author. He thought it was desirable to adopt some measure to diminish a summary, and he might add, arbitrary mode of proceeding, which could be productive of nothing but disadvantage. It was admitted on all hands, that the House were dealing with an acknowledged evil; and though some gentlemen seemed inclined to defend the measure on the ground of policy and expediency, still, as he deemed such defence would prove untenable on examination, he should support the present motion.

Sir *E. Harvey* could testify, from his recollection of the first part of the American war, that the system of impressment was beneficial, in cases where it was necessary immediately to fill the complement of a king's ship. By that system having been then resorted to, many of the merchant vessels had been safely convoyed, which otherwise must have fallen into the hands of the enemy. He thought no probable good could arise from a committee of that House inquiring into a law of the land, which policy and long experience had fully justified.

Sir *R. Wilson*, as a friend of the navy, could not refrain from expressing a few sentiments upon this question. It had been said by some hon. members, that impressed men made the best sailors. Now, he would put it to the consideration of any person, whether such a statement was not founded in mistake—whether it was at all probable, that men who had thus been forcibly seized, and compelled to enter into a king's ship, would accommodate themselves to its discipline, and heartily engage in a service into which they had been unwillingly dragged? But, the House had to determine, whether, in consenting to continue this system, they were not consenting to that which was clearly a violation of right. He knew that, by a fundamental principle of the constitution, every man was bound, in case of necessity, to fight in defence of the country; but he knew of none which justified their being thus forcibly taken from their other occupations, and put on board a ship of war. It should be recollected, that the service of the navy was

peculiarly dreadful, on account of the length of time which men might be compelled to serve on foreign stations. He knew of a vessel that had been stationed at St. Helena for nine years, which, when about to return, had received an order to resume her station for three years longer. The feelings of the men on the receipt of this order might be imagined, when he informed the House that they had actually said, that it would have been kinder to shoot them at the muzzle of their own guns. It had been represented, that such was the anxiety of sailors to enter into the royal navy at the present moment, that it had been found necessary to issue prohibitory orders to prevent them. If that were so now, surely no one would say that, in time of war, they would be actuated by a different feeling. They would not act differently from a fear of danger; and they should be incited by a hope of better compensation. He was of opinion that, considering the casualties of climate and of service, a man ought to be regularly paid, so as to have a complete power of regulating his own expenditure. If such was the case, there would not be so many instances of thoughtless extravagance.

The House divided: Ayes 38. Noes 108.

List of the Minority.

Abercromby, hon. J.	Nugent, lord
Bernal, R.	Ord, W.
Blake, sir F.	Phillips, G.
Brougham, H.	Phillips, G. R.
Burdett, sir F.	Rice, T. S.
Bury, lord	Rickford, W.
Buxton, T. F.	Robertson, A.
Calthorpe, hon. F. G.	Robinson, sir G.
Evans, W.	Scarlett, J.
Gordon, R.	Smith, W.
Grattan, J.	Smith, John
Guise, sir W.	Stewart, W. (Tyrone)
Honywood, W. P.	Tierney, rt. hon. G.
Hutchinson, hon. H.	Warre, J. A.
Leader, W.	Webb, col.
Lennard, T. B.	Wilson, sir R.
Lushington, Dr.	Wood, ald.
Maberly, J.	
Maxwell, J.	
Monck, J. B.	
Newport, sir J.	

TELLERS.

Hobhouse, J. C.
Hume, Joseph

ROMAN CATHOLIC ASSOCIATION.]

Mr. Brownlow rose, to move, that the petition which he had presented on a former evening, against the Catholic Association, be referred to the committee now sitting upon the state of Ireland. The ground of his motion was, that the Catholic Association was one of the principal

causes of the disturbances which prevailed in Ireland. The members of that body had been very properly described as the bellows blowers, who fanned the bad passions of their countrymen into the flame of discontent. Seeking only the gratification of their vanity and self interest, they were utterly regardless of the success of the cause which they pretended to advocate. He had been accused of being actuated by party motives; but that was not the case. If he desired the Catholic cause to be brought into discredit, his wish could not be more easily attained than by allowing the Association to continue its present course.

Mr. Horace Twiss said, he would support the motion, for the same reasons which would induce him to vote in favour of the motion of the right hon. baronet (sir J. Newport) for referring the petitions against the Orange associations to the same committee; namely, that he considered both associations to be, in some degree, connected with the disturbances of Ireland. He highly disapproved of the proceedings of the Catholic association, and declared his belief that if the association continued in existence, the number of votes in that House in favour of Catholic emancipation would yearly decrease. He entreated the members of the association, if they were friends to the cause they professed to advocate, to anticipate the acts of the government and dissolve themselves.

Mr. Secretary Canning said, he would support the motion, because he considered the association to be one of the subjects to which that committee ought to direct their attention. The proceedings of the Catholic association were so nearly balanced between legality, and illegality, that they required to be narrowly watched. But he felt no hesitation in saying, as a minister of the Crown, that, as at present advised, it was not the intention of the government to propose any new law with regard to the association. He, however, entirely concurred in the advice which had been given to the association. He thought they were pursuing a most dangerous course, without considering how nearly they exposed themselves to the extremity of the law.

Mr. Hutchinson said, he had the strongest objection to the motion. The object of the Catholic association was, to state the grievances of the Catholics. As to whether it was an illegal body or not, that was a

question for the law officers of the Crown ; but it appeared to him that there could be nothing unlawful in meeting to state their oppressions and grievances, and to bring them under the review of the public. Their proceedings were public ; but it was otherwise with the Orange societies, who did every thing in secret, and were illegal in their constitution and purpose.

Sir *J. Newport* said, that if the motion should be agreed to, it would be impossible to refuse assent to the one which he should submit, for referring to the same committee the petitions against the Orange societies.

Mr. *H. Sumner* said, that the Catholic association usurped the functions of government, and did other unconstitutional acts, inconsistent with the peace and security of the country. He thought the House ought not to separate without ascertaining from the law officers of the Crown, whether the law, as it stood, was sufficient to put an end to the evil ; or if insufficient, whether it was the intention of government to introduce a bill for the purpose of correcting its imperfections.

Mr. *Peel* said, it appeared to him a matter of course to send the petition up stairs as it had been alleged, that the present disturbances were in a great measure owing to this association, though it might be premature at present to express any opinion of its legality or illegality. He thought that all these secret societies should be put down, and would therefore support both propositions.

Mr. *Spring Rice* gave his hearty support to the motion.

Sir *F. Blake* called upon the hon. member for Armagh to use his influence in putting down the Orangemen, they having declared their determination to continue the same line of conduct.

Mr. *Dawson* denied that any of the disturbances in Ireland arose from that body, and should give his consent to the motion, in order that the House might be satisfied of the fact.

The motion was agreed to : as well also sir *J. Newport's* motion for referring the petitions against the Orange lodges to the same committee.

HOUSE OF LORDS.

Friday, June 11.

GAME LAWS AMENDMENT BILL.]

Earl *Grosvenor*, in moving the second reading of his bill, for legalising the pur-

chase and sale of Game, made a few observations on the present state of the laws, and stated his reasons for not touching, in this measure, the question of the property in game. It was not to be denied that, at the present moment, the gaols were crowded with offenders against the game laws, and on this account it was material to adopt, without delay, some law which should remedy that grievance. This was his principal reason for not following the suggestion of several noble friends to defer the subject until the next session. Another fact not to be disputed was, that game, as the law now stood, was notoriously sold by fraud or evasion ; and it was important to put an end to this demoralising system. The temptation to poaching would be less after the passing of this bill, inasmuch as it would render game so cheap by increasing the supply, as to make it not worth the poacher's while to follow his nefarious pursuit. Deer stealing had been terminated by a similar course of proceedings, and few poets, however hungry, would now find it answer their purpose to run the hazard once incurred by our greatest dramatist.

The *Lord Chancellor* contended, that no good could be accomplished by an attempt to pass this bill hastily during the present session. With regard to the property in game, in law it belonged to no man until it was reduced into possession. If game were, in fact, property, it might be bought and sold ; for buying and selling was an incident of property. He admitted the great evil of poaching ; but it would not be decreased by making it legal for the poacher to sell the game he had stolen, and which could not be identified. The gaols could be relieved in no way but by laying the property at so high a value as to hang the offender, or at so low a value as to transport him. Such was the mercy this bill was calculated to afford. Until he (the lord chancellor) was qualified, he had unquestionably been a poacher ; and, since he had been qualified, he had been little capable of following game from field to field, over bush and brake, as he had been represented to do, without fatigue. He saw no sufficient reason for passing this measure in haste on the 11th of June, when he knew that others, after five months consideration had not been able to make up their minds upon its difficulties.

Lord *Dacre* said, he was friendly to this or any similar measure, not for the sake

of the game, but for the amelioration of the lower orders of our agricultural population. The commitments for infractions of the game laws had gone on increasing to a most alarming degree; and it was a matter of necessity that something should be done. He contended, with all humility, that game was property. The great evil was the want of a moral feeling in the minds of the lower orders upon the subject of game, which he feared the bare rendering the sale of game legal would not create. If the noble lord would originate another measure, so framed as to raise that moral feeling, it would be a greater amendment of the criminal code, than any of the speculative improvements of modern times.

Lord *Calthorpe* supported the bill, as it appeared calculated to produce much good, tending, as it did, to diminish the mass of outrage, fraud, and violence, which at present prevailed. The change of the law was more gradual than had been contemplated by the measure which had been introduced in the other House of parliament; and it did not therefore follow, because that measure had never reached their lordships House, that the present bill would be objected to. Under all the circumstances he did not think that their lordships should delay the attempt to rescue the agricultural population from a state in which evil was in a manner forced upon them.

The Duke of *Richmond* opposed the bill. If it were to pass he did not see the possibility of ever convicting a poacher.

The Marquis of *Salisbury* would not oppose the bill in its present stage, though, unless great alterations were made in it, he should feel it his duty to do so on a future occasion.

The Earl of *Carnarvon* argued, that the property in game ought, in reason and justice, to belong to the occupier of the soil; as it was maintained at his expense, so it ought to exist for his advantage. The test of demoralization on a people was not merely the number of petty punishments inflicted. His lordship recommended, that the further consideration of the subject should be postponed to a future session; though, if a division were pressed, he should vote for the bill.

Earl *Grosvenor* expressed his intention, after what had fallen from his noble friends, of not pressing the bill pertinaciously on their lordships.

The bill was then negatived without a division.

HOUSE OF COMMONS.

Friday, June 11.

MARINE INSURANCE BILL.] Mr. *F. Buxton* moved, that the report of this bill be now received.

Mr. *Robertson* hoped, that in the present state of the House, when so many were absent, who would, if present, be disposed to take a share in the discussion, the hon. gentleman would not persist to press it.

Mr. *F. Buxton* said, that the same objection had been made last night, and might be used again and again. If the opponents of the bill chose to absent themselves, he could not delay the bill on that account.

Mr. *P. Grenfell* said, that the bill went to destroy the vested rights of Insurance Companies. How tender the legislature formerly had been in dealing with these vested rights, was seen in the case of the South Sea Company, which had a grant of an exclusive right of trading to the South Seas. Though this right had not been exercised for a hundred years, so tender was the House of interfering with it, that it would not take away that right without granting a compensation of 15,000*l.* a-year. He moved as an amendment, "that the report be brought up this day six months."

Mr. Alderman *Wood* said, that the bill was intended to break up the Insurance business of 15 or 1600 persons, against whom no complaint had been adduced, and upon whose immense transactions there had been only a loss of three farthings in the pound.

Mr. *Robertson* contended, that the commercial world would suffer considerably by the establishment of such a society as that now proposed: for when such a valuable institution as that of Lloyd's was once destroyed, it would be impossible to restore it again. The information which had been received in this country through the agents of Lloyd's, from all parts of the world, had been of the highest consequence to its commercial interest.

The House divided: For receiving the report 50. Against it 31. The report was agreed to.

PETITION FROM R. CARLILE COMPLAINING OF HIS IMPRISONMENT.] Mr. *Hume* presented a petition from Richard Carlile, at present confined in Dorchester gaol for the publication of blasphemous

works. The petitioner complained that he had been prevented from paying the fine which he had been sentenced to pay. In consequence of the non-payment of the fine, he had been detained in prison after the expiration of the term of imprisonment to which he had been sentenced. He was now a Crown debtor; but, notwithstanding, the usual indulgences granted to Crown prisoners had not been extended to him.

Mr. Secretary *Peel* said, it was quite clear that the petitioner was not entitled to be treated as a Crown debtor, but ought to be subject to the rules of the gaol which applied to his original imprisonment. The petitioner had, from time to time, made complaints to him, of the ill-treatment which he received in the gaol. He had instituted inquiries on the subject; and he felt it due to the magistrates of Dorset to state, that, under the greatest provocation which it was possible for them to receive, he could not conceive that any persons could have acted with more forbearance. The petitioner complained of the restrictions to which he was subjected; but when the House heard, that his object was, to corrupt all his fellow prisoners, they would easily imagine that the magistrates were compelled to take precautions to prevent the contamination. Personal restrictions likewise became necessary, in consequence of the menaces which the petitioner had made use of. *Carlile* had posted in the gaol a regular written notice, that after a certain day he would consider his imprisonment illegal, and would feel himself justified in killing the first keeper he might see. *Carlile* had sent a similar notice to him. Out of regard to the lives of those persons whose duty it was to ensure *Carlile's* safe custody, and from regard to *Carlile's* own safety, he (Mr. P.) had declared, that he thought the magistrates were right in taking measures to prevent him from committing the crime which he meditated. He was satisfied that no person, under the circumstances which applied to *Carlile's* case, could have been treated with more indulgence than he had been. He would take that opportunity of stating, that *Mary Anne Carlile*, the sister of the petitioner, had received a free pardon, and was discharged from gaol.

Mr. *Hume* said, he did not stand there to defend the petitioner's conduct, which had always been eccentric, and in the instance alluded to very violent. But the

question was, whether the petitioner had not been prevented from paying his fine, by the act of the law itself, which had taken away his property.

Mr. *W. Smith* said, that the case of the petitioner involved a question of much greater importance than any thing that could regard him personally; namely, whether an individual was to be subjected to excessive imprisonment for non-payment of a fine, when his incapacity to pay it was evident.

Mr. *Peel* observed, that in no instance was a person kept in permanent imprisonment who was incapable of discharging his fine. Prisoners in such a situation were always discharged by the Crown, after they had undergone a term of imprisonment which was considered commensurate with the fine which they had been sentenced to pay.

The petition was ordered to lie on the table. On the question that it be printed.

Mr. *Portman* resisted the motion, on the ground that it contained false charges of excessive cruelty against the magistrates of Dorsetshire.

Mr. *Hume* said, that the petitioner did not complain of any particular persons, but merely of general ill-treatment. He, however, would not press the motion for printing the petition.

BREACH OF PRIVILEGE—MR. GOURLAY'S ASSAULT ON MR. BROUGHAM.] The *Speaker* rose and said, that he would take that opportunity, the House being then pretty full, to state to them a circumstance which deeply affected their privileges. Shortly after he had taken the chair, he was informed that an honourable member had been grossly assaulted by some individual in the lobby, or within the precincts of the House. He immediately directed the serjeant at arms to take the individual into custody. That had been done; and the prisoner now awaited the pleasure of the House. He understood that the name of the prisoner was *Gourlay*. The member who had been assaulted was the hon. and learned member for *Winchelsea* (Mr. *Brougham*). He wished to receive the directions of the House as to the course which ought to be taken.

Mr. *Brougham* begged leave to inform the House of what he knew respecting the subject which the *Speaker* had brought under their notice. Shortly after the House assembled, he was passing through

the lobby, in which a considerable number of persons were collected, when he heard somebody ask, whether he was Mr. Brougham, to which reply was made that he was. He took no notice of the circumstance, but immediately after he felt something strike him twice. The blows appeared to be inflicted with a small switch, and he at the same time heard the voice of a person, as if muttering something. He turned round and saw a man with rather a wild expression of countenance, who was held by the persons about him. He recollected that he had seen the individual about three years ago, and he asked him what was the matter. Mr. Gourlay replied, "You have betrayed me." He recollected that, about three years ago, he had presented a petition from Mr. Gourlay; since when he had neither seen him nor had any correspondence with him. He did not know how to account for his conduct, except on the ground of insanity. He had been informed, that Mr. Gourlay was occasionally deranged. The distresses which he had suffered had impaired his intellect. It was not his wish to take any steps on the occasion.

Mr. Hume said, that Mr. Gourlay had been sent from Canada under a state of mental derangement. He had presented two or three petitions from him to the House, on the subject of the poor-laws. Some time since he proceeded to Wiltshire, where he had once rented a farm of the duke of Somerset, at 1,300*l.* a-year. He there availed himself of the poor-laws, and continued for three months to break stones on the road, refusing all assistance, except the parish allowance. At that time he was under the influence of derangement, but he subsequently became sane, and having expressed a desire to go to Canada, to try to recover some property which had belonged to his family, he (Mr. H.) and some friends, had furnished him with the means of carrying his intention into effect. About ten days ago, however, he received a letter from Mr. Gourlay, which satisfied him that he was deranged. There could be no doubt that Mr. Gourlay was insane. When sane, he was a very sensible man. His work on Canada was creditable to his talents.

Mr. Wynn said, that care ought to be taken that Mr. Gourlay should not commit a repetition of the present offence. He thought it would be unwise to discharge him out of custody.

Mr. Canning said, that the usual course of proceeding was, for the House to hear the person in custody at the bar, before they came to any resolution with respect to him. He suggested that that proceeding should be postponed, and the individual kept in custody until a future day, in order that information might be obtained with respect to the state of his mind; which would enable the House to form a just estimate of his conduct. In offering this suggestion, however, he begged it to be understood, that he did not undervalue the strict and summary exercise of the privileges of the House, in cases such as that which had been brought under their notice.

Mr. Brougham repeated his belief, that Mr. Gourlay was insane.

The Speaker said, he understood it to be the pleasure of the House, that Mr. Gourlay should be kept in custody until the House received further information respecting him.

MOTION RESPECTING THE TRIAL AND CONDEMNATION OF MISSIONARY SMITH AT DEMERARA.] The order of the day being read for resuming the adjourned debate on the motion made by Mr. Brougham, on the 1st instant, respecting the Trial and Condemnation of Missionary Smith at Demerara; and the question being again proposed, viz.

"That an humble address be presented to his Majesty, representing that this House, having taken into their most serious consideration the papers laid before them relating to the trial and condemnation of the late reverend John Smith, a missionary in the colony of Demerara, deem it their duty now to declare, that they contemplate with serious alarm and deep sorrow the violation of law and justice which is manifest in those unexampled proceedings; and most earnestly praying, that his Majesty will be graciously pleased to adopt such measures as to his royal wisdom may seem meet, for securing such a just and humane administration of law in that colony as may protect the voluntary instructors of the Negroes, as well as the Negroes themselves, and the rest of his majesty's subjects, from oppression."

Dr. Lushington rose, and addressed the House as follows:

Mr. Speaker; never in the whole course of my public life, when I have had occasion to address a public assembly, have I felt a greater solicitude to discharge my

duty with strict fidelity to the principles of justice and impartiality. In my endeavours to vindicate the character of Mr. Smith from the charges brought against him by the colonial government of Demerara—charges which I have heard with sincere regret repeated from a high quarter in this House—I feel particularly anxious to establish that vindication, without affording the remotest ground for imputing to me that I have been guilty of injustice to any of the parties implicated in these proceedings. In those observations which I shall feel it my duty to submit to this House, relative to the proceedings before the court-martial, and the conduct pursued there, I wish it to be distinctly understood, that I shall rest my arguments on the evidence furnished by themselves against themselves, and not on any extraneous communications. {hear, hear !}. For the vindication of Mr. Smith, and in proof of the gross injustice of the treatment he experienced, I shall rest solely and exclusively on the documents laid before this House by his majesty's government [hear!]—documents admitted on all sides, as far as they extend, to be unquestionable.

Having stated the documents on which I rest my case, it is next most proper that I should put this House in possession of those principles which I conceive, in the view I am determined to take, applicable to this great and important question. I mean not to limit myself to the mere shewing whether the proceedings adopted against Mr. Smith were legal or not: I go more directly to the great issue. I claim for that injured man perfect innocence, both legal and moral [cheers]; and I am satisfied in my conscience that I shall establish it by evidence which any fairly-constituted tribunal, any judges seeking the truth only, will declare to be unimpeached and unimpeachable. It is my purpose also to shew, that by the tribunal before which he was arraigned, not only all the forms of law were overlooked or disregarded, but that the most sacred principles of justice fundamental rules, indispensable to fair inquiry, without adhering to which guilt can never be satisfactorily established, were, on this memorable occasion, in almost every stage of the proceeding, shamelessly abandoned and culpably violated. In my view of the case, it is not a question whether the concealment of an intended revolt was or was not high treason by the

laws prevailing at Demerara. I am ready to concede, that, if it can be shewn that Mr. Smith was a party to any guilty concealment of an intended revolt, he deserved to be duly arraigned for the crime, and, if duly convicted, to suffer.

There are certain facts, unquestionable and undisputed, which it is of the highest importance to a just consideration of this case that all those who are solicitous to give an impartial decision should, on reviewing the evidence, continue to keep in their full recollection. Some time in the month of May, the governor of Demerara, general Murray, issued a circular in that colony, establishing certain regulations and restrictions with respect to the attendance of the slaves on divine worship on Sundays—regulations which I do not now stop to examine, but which, beyond all doubt, excited much dissatisfaction in the breasts of that unfortunate and oppressed class. It was on the 21st of July that the despatches of the earl Bathurst, communicating to the governor of Demerara the benevolent intentions of his majesty's government, having for their object the welfare of the slaves, in conformity with the expressed declaration of the legislature—which despatches were dated the 28th of May—were laid before the Court of Policy in the colony. These despatches particularly specified the prohibition of flogging females; the abolition of the use of the whip in the field; and other improvements calculated to ameliorate the condition of the slave population generally. On the 18th of August the revolt broke out in the colony. On the 21st of August Mr. Smith was apprehended; and on the 13th of October he was brought to trial. It appears, also, that the principal charges of which Mr. Smith was found guilty, were:—of having created dissatisfaction among the slaves: of having concealed the intended revolt: and of having corresponded with the rebel leaders, after that revolt had commenced, and while it was in progress. By my hon. friend, the under secretary for the colonies (Mr. W. Horton), much blame has been imputed to Mr. Smith in the general discharge of his duties, at a period long antecedent to the occurrence of those transactions which led to his trial, and to all the more immediate subjects of our present consideration. Mr. Smith has been accused of too enthusiastic a devotion to the cause he espoused; of evincing, both in his conduct, his preaching, and

his writing, too intemperate a disapprobation of that system of crime and misery with which it was his lot to be daily conversant. I do most unequivocally deny, that, in the documents laid before this House, there exists any evidence to justify any imputation, either on the principles he maintained, the discretion with which he advocated them, or his general demeanour during his residence in that settlement. Indeed, on the contrary, though his private journal has been ransacked for accusatory matter; though the scrutiny into the whole of his past life for years, has been as unsparing in extent as unjustifiable in principle; I cannot refrain from expressing my surprise and admiration, that, amidst all vexations and embarrassments, even when contending with the most disgraceful impediments, and provoked by unjust opposition; though his feelings were naturally and necessarily excited by the oppression, cruelty, and misery which he constantly witnessed; still he abstained from all violence of invective; and, in all the doctrines which he preached, inculcated the duty of obedience from the slave to the master, even to the utmost verge of those limits beyond which obedience to man becomes disobedience to the religion he came to propagate and maintain. I doubt if there be any man, under similar circumstances, fervently believing the divine truths of the religion of which he was a minister, who under equal excitement, would have more eminently displayed patient endurance, or so well have tempered his zeal with discretion. Indeed, had less been said or done, there might almost have existed cause for doubting the sensibility or the sincerity of the missionary. From this vague charge of excessive enthusiasm, and general indiscretion, as well as from accusations of a more tangible description, I do, on the part of Mr. Smith, claim a verdict of entire acquittal.

I now proceed to consider more particularly the charges on which he was arraigned, and found guilty; and, especially, the imputed concealment of the intended revolt, after it had, as alleged, come to his knowledge. I deny the knowledge, and, consequently, the possibility of guilty concealment. In support of this charge, the conversation between Mr. Smith and some of the negroes on the 17th of August, the day preceding the revolt, has been relied on; and, in weighing the effect of this testimony, it is

most important to attend to the respective dates, and to the connexion of the occurrences. That interview is stated to have taken place on Sunday the 17th, after the evening service. Now, it is to be recollected, that Mr. Smith had not been at plantation *Le Resouvenir* a great portion of the week before; he had been down on the west coast, on a visit to Mr. Elliot, and only returned the Friday evening before to his own residence. It is stated in the charges against him, that he had, previously to that period, advised rebellion, and endeavoured to promote it; but, in no part of the evidence of the witnesses, nor in any of the documents, is there the slightest proof of this averment. I admit, however, that, unimpeached as his conduct is by any testimony prior to the 17th of August, yet if at the interview on the evening of the 17th, it did appear that any thing transpired between the negroes, from which it was conclusive that he was apprised of a rebellion being in progress, and, if so apprised, he did keep his peace, then he was guilty of the offence laid to his charge. That admission I explicitly avow; but, while I make that admission, let us attend minutely to the proofs of Mr. Smith's guilt or innocence. To this all-important point I implore the attention of the House, I implore the attention of every individual member; I call upon them, individually and collectively, to listen to the evidence, to examine and compare the testimony of the different witnesses, and to found their judgment exclusively on that evidence, and the inferences which naturally arise from it. Be there any member disposed to acquit, to hear the vindication of Mr. Smith is essential even to acquittal; but much more is it the indispensable duty of every man well to know and understand the evidence before he proceeds to condemnation. To the evidence, therefore, as it bears upon the guilt or innocence of Mr. Smith, I shall at present proceed, reserving my observations on the court-martial till I shall have disposed of it. I court inquiry. I am, in vindication of Mr. Smith's innocence, anxious for the most rigid investigation; and, with that feeling, I hope that those who differ with me will not spare their examination of those parts of the evidence on which I rest that vindication.

That portion of the evidence to which I request your attention, is the very part to which my hon. and learned friend, the member for Peterborough (Mr. Scarlett)

had adverted on the former night; and whom I regret not now to see in his place. I regret it, because I am about to make observations which lead to a very different inference from that which he then drew; I mention it, because, in commenting on that inference in his absence, I wish the House to remember that no blame can rest with me. In the first place, it is material to bear in mind, that the circumstances which occurred at the interview on the 17th of August, after evening service rest exclusively upon the evidence of negro slaves; not slaves merely, but acknowledged accomplices. Let us consider the weight which is due to such evidence. In what degree of estimation do the colonists themselves hold the testimony of negro slaves, even when there exists no suspicion of any culpability attaching upon them with respect to the transaction under examination? True it is, that in Demerara, where the Dutch civil law prevails, the testimony of negro slaves is, under certain circumstances, admitted; but this is an exception from the general rule; in all our other West-India colonies testimony of that description, no matter how high the character of the individual, no matter the degree of confidence that his master, from experience of his honesty and good conduct, might repose in him, is universally rejected. Even on questions of property, of the most trivial value, the law refuses to receive the evidence of the best-informed slave, though in the result he cannot have the slightest interest. Now mark the grounds on which the colonists and slave-owners have justified the total rejection of negro evidence in the administration of every branch of justice, both civil and criminal; observe the principles, or rather the assertions, on which they refuse, even on trials for the most atrocious offences, the evidence of the slaves. We do not allow such evidence say the colonists, because the negro slave is not impressed with the sacred obligation of an oath; and how can you expect truth where there is no conscientious conviction of the sin and danger of perjury? Again: they aver, that the negroes are almost universally destitute of education; so ignorant, that they cannot discriminate between right and wrong, or detail an ordinary statement with any reasonable accuracy. Under all circumstances, therefore, and almost on all occasions, in the judgment of the colonists themselves, even of those who have been the foremost

of Mr. Smith's accusers, negro evidence is proscribed, and considered to be entitled to a very slight, if any, degree of credit. But it is upon negro evidence Mr. Smith has been found guilty; upon negro evidence solely; for there is no other testimony even asserted to bear upon the charges on which the court-martial pronounced the accused guilty. Nor is this all: it is not even upon pure negro evidence, if such an expression can be applied to the subject, that the judgment of this court-martial has rested; it is upon negro evidence, subject to a deduction of the greatest importance—a deduction which detracts from the evidence of every witness, though in all other respects he might be best calculated to give testimony. All those negroes who were admitted as witnesses, are, by their own statements, accomplices; and not accomplices merely in the alleged guilt of Mr. Smith, but the planners of the revolt itself, and active participators therein. Now, what are the principles which the law of England, of justice, and of common sense, apply to such evidence? That it shall always be viewed with suspicion and distrust, and shall never produce a conviction unless corroborated by other unexceptionable testimony. Let it be remembered, that the evidence given on this memorable occasion was not the evidence of pardoned accomplices, but of men swearing for their pardon; liable, at the pleasure of the government, to be tried for the same offence; to be convicted on their own admissions; to be executed, or to suffer worse than death, the tortures of a thousand lashes—a sentence which this humane tribunal passed on several of the unfortunate beings who were placed at their bar, and which, to the everlasting disgrace of the British name, was, in some instances, actually carried into execution. With the hope of life on one hand, with the fear of death or torture on the other, were these negro witnesses dragged to the bar; well knowing, if they knew any thing, the nature of the evidence they were expected to give, and what would conduce to their own safety and protection.

Remembering therefore, the worthlessness, in the estimate of West-Indians, of negro evidence in all cases; remembering that in this case these slaves were acknowledged accomplices; let the House now look to the charges, and the testimony adduced to uphold them. The whole of the accusation against Mr. Smith, resting

upon this evidence, has no reference to any act committed by the accused, but is exclusively confined to the conversations he heard from others. It is not alleged that he participated in this revolt by doing any overt act; nor that he uttered a single expression to encourage it; but merely that he heard a conversation which gave him knowledge of the intended revolt, and that he did not immediately communicate it to the constituted authorities. Then the question at issue is, the purport of these alleged conversations, and the fact whether Mr. Smith did overhear a treasonable conversation and concealed it. In addition to all the general objections applying to the evidence of slaves, here is another, arising from the peculiar nature of the charge itself. Look to the testimony of Mr. Van Cooten. Being asked, if negroes are generally capable of relating with accuracy any conversation which may have taken place in their presence, what was his answer? "I think," said he, "very badly in general; some of them may be more capable than others." Again, he is asked, "Is it customary to send negroes with verbal messages, where accuracy is required?" "No, it is not; at least I would not do it."—"For what reason would you not send such message verbally?" "Because I think negroes in general bad messengers; ten to one if they carried it correctly." Such is the testimony of a gentleman who was the attorney of the estate *Le Resouvenir*; himself the owner of a plantation, and who had acquired his experience by a residence of fifty years in the colony. How admirably does the evidence of that respectable man contrast with the statements of other colonists, whose passions and prejudices, rather than truth and candour, have governed all their depositions.

Having offered these preliminary observations, that the House may be enabled to form a more correct judgment of the degree of credit to be given to the witnesses, I now proceed to call its attention to the only evidence on which it was attempted to affix the charge of a guilty concealment. Bristol, speaking of the Sunday afternoon, states, in fol. 14, as follows: "After service I did not go straight home; we stopped close to the chapel a little while, when we heard Jack and Joseph talking about the paper which had come from home, that the people were all to be made free. Emanuel told

Quamina that he had better go and ask Mr. Smith about it; and when Quamina was going into Mr. Smith's house, I went in with him; and when we went, Quamina asked Mr. Smith if any freedom had come out for them in a paper; he told them that there was a good law come out, but no freedom for them." The House will bear in mind, that the witness states, that no one was present at this conversation but himself, Quamina, and Mr. Smith; and that it was the first time he (Bristol) had been in Mr. Smith's house, on that day. Bristol then proceeds: "Mr. Smith said, 'You must wait a little, and the governor or your masters will tell you about it.' Quamina then said, 'Jack and Joseph were speaking much about it;' he said, 'they (Jack and Joseph) wanted to take it by force.' Mr. Smith said, 'You had better tell them to wait, and not be foolish; how do you mean that they should take it by force? they cannot do any thing with the white people, because the soldiers will be more strong than you; therefore you had better wait.' He said, 'Well you had better go and tell the people, and the Christians, particularly that they had better have nothing to do with it;' and then we came out."—The only other passage in the evidence of this witness, of similar import, is as follows: "When Mr. Smith observed to Quamina that the soldiers would be too strong for them, Quamina said, they would drive all the white people, and make them go to town."

Now, let us consider how far the testimony of this negro accomplice is corroborated by other evidence; though, indeed, if he has spoken truly, his statement was incapable of any direct corroboration; for Quamina, the only other person by him asserted to have been present on the occasion, was killed previously to the trial. Seaton, another negro accomplice, is however produced; and he begins by at once falsifying and contradicting the evidence of the preceding witness, for he swears, that he himself was present at this conversation; and, in folio 23, he gives the following account of it: "Quamina went to Mr. Smith and asked him about this paper; Mr. Smith said, Yes; that the paper is come out; that the paper had come out so far as to break the drivers; and that nobody should be licked any more again; and that if any body should be licked, it should be by their masters, or their managers; and if any

thing more than that, they were to be confined. After I had heard that, Quamina told me to go away to the middle-path of Success, to stop the people till he came, and I went with Manuel to stop them." Manuel is called, and his deposition, so far as it goes, contradicts Bristol, and confirms Seaton; but not a single expression falls from him, denoting the avowal of any intended revolt in Mr. Smith's presence.

In support of this charge, which sought to sacrifice the life of the accused, it seems almost incredible to say, that this was the whole evidence adduced on behalf of the prosecution; but yet this is strictly the fact. In this country it can scarcely be credited, that, on testimony like this, an Englishman should be put upon his trial; but so it was. That all the three witnesses for the prosecution should have spoken truly, is impossible, for they are manifestly at variance with each other: they differ as to the persons present at the conversation; they differ as to what passed on the occasion; they put language into the mouth of Mr. Smith which it is impossible he could have uttered. Mr. Smith was not a low, ignorant, and illiterate man, and yet he is made to have uttered expressions which could have been used by none save those of the lowest class. It is possible that Mr. Smith might, had he been under the influence of infatuation, have known and concealed, or even encouraged, a rebellion; but it was not possible for a man of knowledge and education to have used the language imputed to him on this occasion. It is manifest, therefore, from this as well as all the other circumstances, that these witnesses have not truly and correctly stated what passed at that meeting. That Mr. Smith may, on that occasion, have delivered his opinion respecting the letter of Lord Bathurst somewhat to the effect, though not in the words, deposed to by the witnesses, is consistent with probability; and sentiments more likely to have conciliated the minds of the negroes, and allayed the ferment which the concealment of the contents of that letter had occasioned could not have been uttered; and how grossly inconsistent is it to suppose, that, at the very moment the missionary was avowing sentiments which even his enemies must approve, he was listening to disclosures of treason, and wilfully concealing his information! With all these circumstances of gross improbability, the

charge finally rests on Bristol's assertion, that in the missionary's presence it was declared, that Jack and Joseph said they wanted to take their freedom by force, and that Mr. Smith said the soldiers would be too strong for them. On the assertion of this negro slave, an avowed accomplice, unsupported by the testimony of any human being, and in many parts contradicted by the evidence brought to uphold it, was this conviction founded. Had Mr. Smith used the expression imputed to him, as to the soldiers, it is impossible it could have escaped the recollection of those who were present. Upon that word hinges the whole charge of concealed rebellion; and yet, though questioned with all the ingenuity of the court and counsel, from the second accomplice, Seaton, the court-martial could not extract an admission that the word "soldiers" had ever escaped the lips of the prisoner. Of all words, it was that very one which was most calculated to make an impression upon the mind of a negro slave engaged in a conspiracy to revolt. If, when the chances of revolt were discussing, the dangers of the proposed rebellion were debating, the word "soldiers" had been mentioned, is it possible that persons so circumstanced, with all their attention roused to the subject, could have forgotten an expression which must at once have called forth all their fears and apprehensions? Was not the danger from the soldiers that which they most naturally contemplated in attempting to carry their designs into effect? Had Mr. Smith uttered the word, it was impossible that any hearer could have forgotten it.

Nor is this all. The House has already seen that the three witnesses have given three different versions of the same conversation; they will now perceive that Bristol is not consistent even with himself. In page 17, on cross-examination, he swears positively that he had a conversation respecting his little girl, when no one else was present except Mr. and Mrs. Smith; yet in his previous testimony he declared he went in with Quamina, who continued with him at the interview, and that they left the house together. He swore, moreover, on his examination in chief, that after the interview was over he went directly home; on cross-examination, that he went to the chapel. And, yet it is on evidence in itself so unworthy of credit, so contradicted and so full of contradictions, that my hon. and learned

friend (Mr. Scarlett), is prepared to conclude that the criminality of Mr. Smith has been established!

It is now time to advert to the evidence of the witnesses produced on behalf of the accused; and if their testimony be credited, the evidence of Bristol is wholly gone. At this same interview the girl Charlotte positively swears, Bristol, Quamina, and Peter were present. Here then is a new actor introduced on the stage. What says Peter? He was a negro slave, it is true; but how was he circumstanced? He was an accomplice—an acknowledged accomplice. Every word he uttered in favour of the prisoner endangered his own life. Whatever came from a witness thus situated in regard to the prisoner, was entitled to much greater consideration than, under any other circumstances, his testimony could claim. Let us see his account of the transaction. "Were there any other persons present?" "Bristol, Seaton, a boy named Shute, a field negro of Le Resouvenir, and Mr. Smith, were present, and, with myself, made six."—"Did Quamina say any thing to the prisoner; if yea, what was it?" "Yes: he said that they should drive all those managers from the estates to the town, to the courts, to see what was the best thing they could obtain for the slaves. Then Mr. Smith answered, and said 'that was foolish; how will you be able to drive the white people to town?' and he said further, 'the white people were trying to do good for them; and that if the slaves behaved so, they would lose their right;' and he said, 'Quamina, don't bring yourself in any disgrace; that the white people were now making a law to prevent the women being flogged; but that the law had not come out yet; and that the men should not get any flogging in the field, but when they required to be flogged they should be brought to the manager, attorney, or proprietor, for that purpose;' and he said, 'Quamina, do you hear this?' and then we came out."—"What did Quamina say in answer, when Mr. Smith said 'you hear?'" "He said 'yes, Sir;' that was all."—"How long were you and Quamina, and the rest, at the prisoner's house?" "We did not stop a minute."—"Was Seaton with you the whole time at that conversation?"—"Yes."—"Which of you all went out of the prisoner's house first?" "We all five came out together."—Hence it appears, that, so far from this interview having taken place between Mr. Smith and Quamina in

the presence of Bristol only, as he positively deposed, the number of persons is eventually doubled. Seaton adds himself; and, according to Peter's account, on this occasion there were assembled Mr. and Mrs. Smith, Quamina, Bristol, Seaton, Shute, and himself. Shute is the last witness, and he contradicts Bristol, confirms Peter, and explains what had been previously stated as to driving the managers to town. His evidence is to be found in page 65, and is as follows:—"Were you at the chapel the Sunday before the revolt?" "Yes."—"Did you see Quamina of Success on that day?" "Yes."—"Where did you see him?" "At the chapel."—"Did you see him any where else?" "Yes, I saw him at Success middle-path, and I saw him after that come over from Success to our place, to Mr. Smith."—"Did you see him at Mr. Smith's?" "Yes, I saw him there, and was there myself."—"Was any body, and who, present when you saw him at Mr. Smith's?" "Seaton, Bristol, and Peter, with Quamina and myself."—"Did any, and what, conversation pass on that occasion?" "Yes: Quamina said to Mr. Smith he was going to drive all the managers down; and Mr. Smith told him, 'No; for the white people are doing many good things for you; and if you are going to do that—you must not do that, Quamina, I tell you.' Quamina said, 'Yes, I will see;' and after that we all came out of the house from Mr. Smith."—"Did Quamina say what he was going to drive the managers down for?" "That they must come down, that they may have a good law to give them a day or two for themselves."—"Was Seaton there all the time?" "Yes."—"Which of you went away from Mr. Smith's house first?" "We all together went."—It has been urged against the accused, that, even from the expressions used by his own witnesses, he must have been cognisant of some intended rising; and it was asked, what other explanation could be given of the expression "driving the managers?" To this I answer, that, even presuming it could with justice be contended (as I verily think it cannot) that these identical words were used, still that, according to every rule of law and justice, they must be considered in conjunction with the context; and taken with that context, the whole inference falls to the ground. The managers were to be driven to "the courts," say some of the witnesses, in order to procure a new law

for the treatment of the slaves. Could any man, by the utmost stretch of human ingenuity, convert this expression into a declaration, that a revolt was already planned, and rebellion about to be carried into execution? Is it not abundantly clear, that by this expression remonstrance alone could be understood—an application to the constituted authorities of the colony? What have the courts to do with open revolt; or new laws, with insurrection and rebellion? If any doubt could exist, that this is the true interpretation of this conversation, look to the evidence of Shute, who declares, that they intended “to drive the managers down, that they may have a good law to give them a day or two for themselves.”

And here let me notice the argument of my hon. and learned friend the member for Peterborough; an argument which, I confess, has filled me with astonishment—I might almost say, indignation. In attempting to maintain that Mr. Smith was guilty of the charges brought against him, not only did my hon. and learned friend rely on the evidence of Bristol, without noticing the inconsistencies which pervade his evidence, or the testimony by which it is contradicted and invalidated, but, strange to say, he argued upon Mr. Smith's admission that he was on the spot at the time of the alleged conversation, as a circumstance confirmatory of Bristol's testimony, because there could be no doubt that he would otherwise have attempted to prove an alibi. Why, good God! Sir, what was the fact? Mr. Smith did produce evidence, not to deny that he had had a conversation with Bristol, Quamina, and the other negroes; he admitted, as an honest man was bound to admit, that he was present at the conversation; but he positively denied that the tenor of the conversation was such as could attach to him the slightest suspicion of his being cognisant of the rebellious object in contemplation. What would be the consequence if such an argument as that to which my hon. and learned friend resorted, were to carry conviction in similar cases? Perhaps the House may recollect, that about twenty years ago the present lord chief justice of the court of Common Pleas was accused of an attempt to commit a rape at his chambers, in the Temple, on a lady who came to consult him professionally. What would my hon. and learned friend the member for Peterborough have said to the lord chief justice

of the court of Common Pleas, if instead of admitting the fact that he was in his chambers at the time, and standing on his character, and on other evidence for the assertion of his innocence, he had attempted to establish an alibi? It is impossible to conceive a more unjust or a more illogical conclusion than that of my hon. and learned friend. I ask my hon. and learned friend, if he were himself so unfortunate as to be accused of an offence similar to that to which I have alluded, he would attempt to defend himself by calling his clerk to swear that he was in court at the time? Instead of expecting such an opinion to escape from the lips of my hon. and learned friend, I should have really hardly expected it to escape from the lips of one of the deputy assistants to the judge advocate at Demerara. When, however, we consider how the ingenuity of my hon. and learned friend was evidently taxed to support the failing testimony of Bristol: when we find that a lawyer so skilled in his profession, and of such long experience, as my hon. and learned friend, had no better mode of corroborating Bristol's assertion of the guilt of Mr. Smith, than the argument, that Mr. Smith's own admission of having been present at the conversation with the negroes was a proof of his having a knowledge of their criminal intentions, I am sure the House will be sensible, that a cause must be bad indeed which is compelled to have recourse to such means for support [hear, hear!].

But, Sir, there are two other matters much relied on by those who assert that Mr. Smith was guilty of the offence with which he was charged. One is, the note received by Mr. Smith on the evening of the revolt, from a negro of the name of Jacky Reed, communicating the contents of a letter which had been sent him by another negro called Jack Gladstone. To that note Mr. Smith answers: “I am ignorant of the affair you allude to, and your note is too late for me to make any inquiry. I learnt yesterday that some scheme was in agitation, but, without asking questions on the subject, I begged them to be quiet, and I trust they will; hasty, violent, or concerted measures are quite contrary to the religion we profess, and I hope you will have nothing to do with them.” Here is Mr. Smith alleging his ignorance of the real intentions of the negroes. Certainly, if it be a crime that he remained silent when he had received

a vague intimation that some application was about to be made by the negroes to their managers for redress of certain grievances of which they complained; if it be a crime, that having obtained some loose information that some proceeding or other was in agitation, without any knowledge of time, place, object, or other circumstance, he did not consider it his duty instantly to denounce his congregation, and to become an informer against them, in utter ignorance of the facts to which his information referred; then, perhaps, Mr. Smith might be deemed criminal. It appears, however, that the court itself was not satisfied with the evidence which had been adduced in inculpation of Mr. Smith, and therefore that an attempt was made to find something in the confession of Mr. Smith himself which might warrant the conclusion that he was guilty. I call upon the House to consider the injustice of this mode of proceeding. Let us look at the kind of testimony by which the alleged confession is supported. Is it probable, that, on the very night of the insurrection, Mr. Smith would make such a communication to persons in the condition of the two witnesses whose testimony is relied on in this respect; men whom he had never before seen in his life? Is it likely that he would have communicated a secret so personally dangerous to himself, to such persons? One of them, John Bailey, a servant to the ordnance store-keeper, swears, that Mr. Smith told him he knew of the intended rising of the negroes six weeks before. Now, Sir, it is utterly impossible that Mr. Smith could know, six weeks before, of a revolt, which there is evidence to prove was planned only on the day before its occurrence. The other witness, John Aves, coachman to colonel Goodman, who was examined immediately after John Bailey, for the purpose of confirming the evidence of the latter, negatives the evidence of Bailey, and denies that Mr. Smith made any such declaration. But it is clear that John Bailey also swears to that which is a palpable falsehood, as proved by the evidence of Dr. Robson, the witness immediately following the two witnesses I have just alluded to. John Bailey says, "I asked Mr. Smith what time this disturbance took place? He said, 'about seven o'clock when the negroes came from their work.' He said he had been busy writing all day." Now, it is proved by the evidence of Dr. Robson,

as well as by Mr. Smith's own journal, that on that very day, Monday the 18th of August, Mr. Smith had been to the town, nine miles distant from his own home, to consult that physician professionally. What reliance, therefore, can be placed on the evidence of an individual who puts into the mouth of Mr. Smith words which it is impossible he could have ever uttered; who swears that Mr. Smith declared that he had been writing all day, when the fact, by his own statement, and by the evidence of a physician, was, that he had been to the town to consult the physician professionally? But mark the next assertion of this witness, Bailey: "He (Mr. Smith) said the two overseers ran to him for protection; the manager was away." The fact was, first, that the manager applied to Mr. Smith for assistance, and that Mr. Smith saved his life; and, secondly, that the overseers were not there. Now, Sir, I do put it to the House, when they find a person, not a negro, not a slave, not an accomplice, but a freeman and an Englishman, come forward and make against him a deliberate statement, two of the allegations in which are proved to be false, with what justice any part of that person's testimony can be depended on? The objections which have been usually made to negro evidence are not, in the colonies, applicable to negroes alone. The perjury of white witnesses on this trial, is at least equal to that of which any black ones could be guilty. Nor is it Mr. John Bailey alone to whom this observation is applicable. There are others, in higher stations, on whose testimony little reliance can be justly placed. While I am on this part of the case, I beg to advert to the statement of my hon. and learned friend, the member for Peterborough, that Mr. Smith ought instantly to have communicated to Mr. Stewart and Mr. Cort what he had learnt from Quamina. Really my hon. and learned friend appears to have read just as much of the evidence as tended to support the accusation, and to have entirely neglected that which supports the defence. The interview which Mr. Smith had with Mr. Stewart and Mr. Cort was long prior to the insurrection of the 17th of August; after that day he had no opportunity of communication, had there been any matter fit to be mentioned; and the whole of this argument is founded on the evidence of the negro Manuel, who has confused the dates of the different transactions.

With these observations, I leave the charge, so strangely denominated misprision of treason, and so ingeniously converted into a capital offence; and well assured am I, that, in the judgment of every man unbiassed by colonial prejudices, whose heart is not hardened and understanding clouded by participation in the horrors of the slave system, a verdict of perfect innocence must be recorded.

The next charge brought before the court-martial against Mr. Smith was, that he had communication with Quamina on Wednesday the 20th of August. That charge Mr. Smith did not deny, for the best of all possible reasons, that there was nothing on his part criminal in that communication. It was clear from the evidence, that Mr. Smith had never sought the interview in question; but that it had taken place accidentally, in consequence of Mrs. Smith's wishing to see Quamina at her house. And here I beg to observe, that, contrary to all the principles of justice, and all the rules of evidence, the court admitted evidence as to what Mrs. Smith said or did in the absence of her husband. For instance, on Mrs. Smith's conversation with Quamina is built the charge, that Mr. Smith corresponded with and aided and assisted the insurgent negroes. I maintain and I am persuaded there is not a single honourable member who will not say on his conscience that he believes, that not a single word ever dropped from Mr. Smith having a tendency to encourage rebellion among negroes. I believe any such accusation is repudiated by both sides of the House; and that it exists nowhere, except in those receptacles of every species of calumny and abuse, the newspapers of that ill-fated settlement.—There were other charges adverted to by the under-secretary of state for the colonies, of a totally different description—such as, I believe, were never the subjects of inquiry in any court of justice, or before any other tribunal whatever. I mean, the conduct of Mr. Smith during the whole term of his residence (six years) in the colony of Demerara. Sir, I never heard before of any tribunal, especially of any tribunal acting under English law, putting a man on his trial for all his actions and all his words during a period of six years continuance; and that, too, without specifying time, place, and circumstances—merely one sweeping accusation, that, by his general conduct, during a residence of six years, he had greatly contributed

to the creation of dissatisfaction and discontent among the negroes. Where, Sir, is the man who would dare to trust his life to the issue of such an investigation? Where, Sir, is the individual so bold as to challenge such an inquiry? Where, Sir, is the tribunal so unjust as to pronounce sentence upon any individual so accused.

The hon. secretary charged Mr. Smith with being an enthusiast; with requiring from the negroes too strict an observance of the rites of the Christian church. I wish, Sir, I could have been spared the pain of touching on this part of the subject. I wish so, because it is difficult to describe the sacred obligation of keeping holy the sabbath-day, without the use of terms which many persons will think savour of cant; or without falling into the other, and much more dangerous error, of lowering that sacred obligation, by not speaking of it with adequate reverence. To steer a middle course in such a case is difficult. It is difficult to draw a precise line under such circumstances. It is difficult, when any deviation is allowed from the direct rule, to say where that deviation ought to be unhesitatingly checked. I am not one of those who are disposed to prohibit innocent amusement, or even necessary employment, on the sabbath-day. I wish that day to be spent in a manner calculated to gladden and enliven all human hearts. But, if ever there was a state of society in which the adherence to the Divine command for the observance of the Sabbath is more essential than in any other, it is a state in which slavery exists; a state in which, during the other six days of the week, man commands his fellow men to work for his benefit. Is it too much to say, that in such a state of society, the man who labours for others on the six days of the week, ought on the seventh to be wholly exempt from labour? Is it too much to say, that the vengeance of public opinion, and of public law, ought to fall on those who endeavour to compel their unfortunate slaves to incessant, to unintermitting toil? By the law of Demerara, a fine, I believe, of 500 guilders is imposed on every planter who compels his slaves to work on the sabbath; but, notwithstanding that fine, it is evident throughout the papers respecting this subject, that the law is constantly evaded. It is evident, from the proclamations of the governor himself, as well as by the state-

ments of Mr. Austin, Mr. Smith, and others, that the slaves are compelled, in many instances, to labour on the sabbath; and that every endeavour on their part to obtain redress for this grievance has proved fruitless;—aye, as I have been reminded by an hon. friend near me, that the sole effect of such endeavour has, in many cases, been, to call down on the unhappy slaves the vengeance of those masters of whose oppression they have complained. In such a state of society, I ask the House what is the line of conduct which Mr. Smith ought to have pursued? The House will, I hope, allow me to shew, from the evidence of one or two of Mr. Smith's disciples, the nature of the doctrines which he really preached to them: Manuel one of the negro witnesses for the prosecution, deposes: "Parson said, if your master has any work for you on Sunday, it is your duty to tell him Sunday is God's day." Sir, is that criminal doctrine? But how does the witness go on with his statement of Mr. Smith's exhortation? "That if the water-dam broke on Sunday, it was our duty to go and stop it; that if the boat was to ground on a sand-bank on Sunday, it was our duty to shove it off; and that if people got drunk on a Sunday, it was right of their masters to make them work, to prevent them walking about, and making mischief." Is there any thing in these declarations which deserves reprehension? Romeo, another witness for the prosecution, when he is asked whether he did not hear Mr. Smith say that the negroes were fools for working on a Sunday, for the sake of a few lashes, answers, "No, I did not hear that; but I heard him say, that if their masters gave them work, they must do it patiently: and if they punish you for a wrong cause, you must not grieve for it." It appears, therefore, Sir, that Mr. Smith preached such obedience to the commands of man as was consistent with the commands of God. If he had used other language; if he had attempted to deceive the negroes, by preaching one doctrine to them, and allowing them a practice of another and an opposite nature, he would have been a renegado to his faith, and an apostate from his religion. So far, however, from his having been an enthusiast, as my hon. friend the under-secretary for the colonies was pleased to call him, Mr. Smith appears to me to have acted with the greatest circumspection and care, and to have avoided, with all possible caution,

any thing that could have a tendency to excite discontent in the negro population of Demerara.

I know that there is to be found, in the evidence of a single negro witness for the prosecution, one passage which seems to imply the contrary. Azor, a negro, deposes: "I heard him (Mr. Smith) say, 'You are fools for working on Sunday for the sake of a few lashes.'" Against that single passage in the testimony of one witness, I set all the testimony of the other witnesses; I set the testimony of Mr. Austin as to the general conduct of Mr. Smith; nay, I set the conduct of the very slaves themselves. If, Sir, we seek for the effect which the doctrines inculcated by Mr. Smith had on the minds of the negroes, let us look to the evidence of one of the planters; let us look to the evidence of Mr. Van Cooten, a gentleman who, at the time of the trial, had resided above fifty years in the colony of Demerara. Mr. Van Cooten declares it to be his opinion, "that the negroes had become more obedient in consequence of their attendance on Mr. Smith." Other witnesses would not have been wanting to confirm this gentleman's testimony, if the prejudice against Mr. Smith in the colony had not been so great as to prevent their giving honest evidence. As it was, Mr. Smith was compelled to rely for his character on the testimony of Mr. Van Cooten and Mr. Austin, and on the prodigious number of certificates of recommendation which form so large a part of the documents on the table. Sir, I will shew the House why Mr. Smith could not rely on the testimony of other witnesses, who were nevertheless cognisant of the favourable impression he had made on the minds of the negroes. For that purpose I will take the examination of a planter of the name of John Reed, who was summoned to tell what he knew of the accused. The House will find it in folio 52 of the printed proceedings. Let us see how Mr. Reed gives his testimony. A document produced in the court having been read, he is asked, "Did you send the paper or letter just read, or deliver it to the prisoner?" "I delivered it to the prisoner."—"Where were you when you so delivered it?" "I was on my sick bed at Dochfour: the prisoner intruded himself at my domestic board, even at my sick-bed side: asked and obtained permission to erect a place of worship on disinterested, though legal conditions."—It is clear

that the impression which this witness intended to create was, that Mr. Smith was so great an enthusiast, that, without regard to common decency, he forced himself on his, Mr. Reed's, privacy. His examination continues:—"How many times was the prisoner at your house?" "I think three or four times."—"Do you remember at what time of day, and on what occasion did the prisoner go first to your house?" "It was early in the morning, for the purpose of obtaining leave to erect a place of worship."—"Where did you on that morning meet with the prisoner, and did you ask him to stay breakfast, or did he remain without invitation?" "I met him on the road leading to the estate and I believe I asked him to stay breakfast."—"All this shewed what was working in this planter's mind. The House will recollect that, at the commencement of Mr. Reed's examination, he declares that Mr. Smith intruded himself at his domestic board, and even at his sick-bed side. The close of his examination, however, is as follows:—"What do you mean when you say the prisoner intruded himself?" "I was unacquainted with the prisoner before, and on one occasion he brought Mrs. Smith along with him: perhaps I should not have deemed it an intrusion but for his subsequent conduct."—"Did the prisoner go into your sick-bed room without being asked?" "No, he did not" [hear, hear!]. Now this, Sir, is an exemplification of the kind of feeling that prevails in this ill-fated settlement. At the moment of the trial of Mr. Smith, such was the outcry against all religious instruction, that the very effort to erect a chapel for the purpose of benefiting the negroes in his neighbourhood was considered reprehensible, and produced, as has just appeared, a bias, which induced a witness to make a statement in the early part of his evidence, which the fear of a prosecution for perjury forced him at the conclusion of his evidence to admit to be a total falsehood. The whole of the evidence is liable to similar comments; and yet it was on evidence like this that the court-martial found the accused person guilty; on such evidence did they, after five days deliberation, sentence him to the punishment of death; on such evidence did the governor of the colony, to his eternal shame and everlasting disgrace, sanction the sentence!

In my humble opinion, Sir, I have stated enough already to justify me in de-

claring, that no impartial tribunal, no competent judges, no honest jury, ever pronounced such a sentence as that which the court-martial at Demerara pronounced upon Mr. Smith; and that it could have emanated from nothing but the most virulent spirit of prejudice. But I will not be satisfied with what I have yet stated: I will endeavour to shew the House, in as few words as possible, the foundation of the accusation which I unhesitatingly prefer against this court-martial; namely, that of having knowingly and wilfully given a false verdict. Sir, these are strong terms; but they are not too strong for the occasion. I know I have no right to travel out of the evidence before the court for the purpose of making good my charges, and I pledge myself not to utter a syllable which is not to be found in the documents on the table. In the first place, then, Sir, the court compelled Mr. Smith to plead before they allowed him counsel, and thus deprived him of every opportunity of objecting either to the jurisdiction of the court itself, or to the illegality of the charges exhibited against him. In the second place, the charges are, on their very face, illegal; referring, as they do, to various offences supposed to be consummated by the prisoner before the proclamation of martial law, which alone gave the court-martial power to try a civilian; and stating neither the time, nor the place, nor the circumstances of those imputed offences. Even my hon. and learned friend, the member for Peterborough, admits that it was illegal to try a man by martial law for an offence committed before that martial law was proclaimed. Does my hon. and learned friend consider it more legal to try a man for offences committed years before the accusation, without any specification of the particulars of those offences? Sir, the next charge I make against the court-martial is, that they allowed the judge-advocate to make such a speech as that which he made on opening the case. On that occasion he was bound, as prosecutor, to state in detail the specific offences with which he charged the prisoner. Instead of that, he merely says "I shall first adduce in evidence, that the prisoner, even from the beginning of his arrival in this colony, has begun to interfere with the complaints of the different negroes upon the estates in the district where he has been admitted as a regular missionary;" and then goes on with a number of

similar general charges, without entering upon a single specific statement. My next accusation against the court-martial refers to the partial spirit which they exhibited, and to their evident prejudice against the prisoner. This is apparent in many parts of the proceeding. For instance: Seaton, a negro witness for the prosecution, is cross-examined by the prisoner: "Have you been instructed by any one to say what you have just told the court?" "I have been examined before at Mrs. Meerten's, by Mr. Smith, judge-advocate."—"Was what you so told put down in writing?" "Yes."—"Have you since seen or heard what was so put down in writing?" "I saw the paper at the time, but not since; it has not been read to me."—Now, Sir, these are very ordinary questions on a cross-examination. They are very proper, in order to ascertain if a witness has been previously tampered with, or has received any intimation of the evidence expected from him. The court-martial, however, instantly take fire at this cross-examination by the prisoner, charge as an offence that which he had an undoubted right to do, swear the deputy judge-advocate, and thus examine him: "Have you examined the witnesses for the purposes of this prosecution?" "I have examined several of them, and the witness is one."—"Have you attempted to mislead or instruct the witnesses as to the evidence?" "As a witness here I must answer, No; but I should think on ordinary occasions such a question too degrading to be put to me." And then, as if to mark still more strongly the spirit of the court, there comes this paragraph: "The court observed, that the two preceding questions were put for the purpose of protecting the judge-advocate from the imputations attempted to be thrown upon him by the prisoner." Now, I will only ask, not whether such a proceeding as this was consistent with good sense, but whether it could have been prompted by any thing but the most profound ignorance, the most invincible prejudice, the most determined disregard of decency?—The next accusation I make against this court is, their admission of such a mass of hearsay evidence—the hearsay evidence of negro witnesses, two or three deep. I contend also, that the court plainly shewed the feelings by which they were actuated, when they permitted the judge-advocate, after four days preparation, to make the reply which he did. And, lastly,

I maintain that no honest man would have concurred in pronouncing such a sentence as that which the court pronounced, even if he believed the prisoner guilty of the offence imputed to him [hear]. And what, Sir, can be advanced in extenuation of the conduct of the court? Is it that they were ignorant of the law? Can that be said, when among their members was the chief-justice of the colony? That this gentleman is a man of liberal education, was declared to the House the other evening by his hon. and learned friend, the member for Peterborough, who told us that Mr. Wray was a Fellow of Trinity College. He is also a barrister, selected by his majesty's government to fill the highest station in the colony: so that, of course, he must know something of law. What did he do in the extraordinary circumstances in which he found himself placed? Did he remonstrate against the proceedings of the court, or did he not? If he did, that would certainly be some extenuation of his own offence, but would involve in still deeper guilt all the other members of the court: who, having their ignorance dispelled, and their eyes opened to the real character of their proceedings, nevertheless disregarded the opinion and advice of their instructor, and obstinately persevered in a course of error and injustice. But, how monstrous was it, if this gentleman did not remonstrate against the conduct of the court? Good God the instant he heard the nature of the charges preferred against the prisoner, the speech of the judge-advocate in opening the prosecution, the admission of evidence in a shape partial and injurious, ought he not instantly to have expressed his warm indignation—ought he not to have insisted on the strict observance of the rules of law and of justice; and, in the event of a refusal to acquiesce in his representations, to have quitted a court in which he could not remain without shame and degradation? Sir, was his conduct in not doing so, worthy of a man of liberal education, of a fellow of Trinity College, of a barrister? I am ashamed, deeply ashamed, that the gown which I have the honour to wear should have been so disgraced on this occasion.

But, Sir, we have been told that the situation of affairs in Demerara was one of a very critical nature, and that some strong measures were indispensable to the public security. We, who represent, the injustice of these proceedings, have been

told, "All that you say is very true, but some allowance must be made for the urgency of the case." Let us inquire what this urgency was. The trial commenced on the 13th of October: sentence was pronounced on the 24th November, the court having deliberated for five days before they were determined thus to record their everlasting shame. The revolt of the negroes commenced on the 18th of August, and not a trace of its existence remained on the 23rd of the same month. Three months, therefore, elapsed from the extinction of the insurrection to the commencement of the trial. Now, Sir, although I can make allowances for the urgency of an occasion, although I can make allowances for the impressions of fear, I can make no allowances for that urgency, or for that panic which continues for three months, and which then issues in an act of gross cruelty and monstrous injustice [hear]. There never was any thing more unfounded than the extenuation pleaded upon this occasion. From beginning to end the arguments of its supporters only serve to shew the weakness, the hopelessness of their cause.

I am aware that I have already trespassing considerably upon the attention of the House [hear, hear], and in a few words more I shall have done. The House must perceive that I have hitherto abstained from saying a single word upon what has appeared in the missionary copy of these proceedings. If it be true, as stated in that copy, that certain questions proposed by Mr. Smith were refused to be put by the court, then I say that it enhances the guilt of that court a thousand fold, and adds to the disgrace and discredit of the whole transaction in the same proportion [hear, hear]. I do not say whether those statements are true or false, but I maintain that they ought to be inquired into.—Let me now be permitted to say a word or two with respect to the causes of this revolt. It has been said, that that revolt was owing to the dissatisfaction created in the negroes' minds by the doctrines preached by Mr. Smith. Now, Sir, if ever any set of men could be expected to revolt sooner than another, it was the set of men implicated in this transaction, the slaves of Demerara. In the first place, there had been the largest importations of slaves into that colony, and the mortality there was quadruple what it was in other places. According to the official report of September 1823,

it appears that one great cause of the mortality was the absence of medical aid in the hospitals! The governor, it appears, gave orders in May, which had for their object, right or wrong, to prevent the attendance of the negroes at places of public worship. This produced discontent. But, the principal cause of dissatisfaction arose from the extraordinary measures taken with respect to lord Bathurst's letter, which arrived on the 7th of July. What did the governor do upon that occasion? Did he keep silent with respect to the contents of that paper: did he take care that they should not transpire? He did no such thing: on the contrary, he allowed a general rumour to go forth; he allowed it to reach even into the huts of the negroes; that something good had come out for them in a paper; but, up to the 18th of August nothing whatever is published upon the subject. Now, Sir, let me ask, what must be the necessary effect of such treatment upon ignorant minds? Their religious feelings were violated; their hopes were excited by reports respecting a paper, of the contents of which they were kept in ignorance down to the very day of the revolt. Here, then, you have at once the motives which induced the revolt: you have their hopes deferred; the severity of their punishments increased; and if you torture men thus, if you increase their punishments and defeat their hopes, must you not at length drive them to resist that tyranny which they find insupportable? [hear, hear!] Do we not find this to be every day the case? And it is well that it is so. It has pleased God in his wisdom to fix in the human mind a point beyond which endurance will not go, and at which the oppressed is stimulated to turn round and avenge himself upon his oppressor. This has been ordained by the wisdom of an unerring Providence, as a means of preventing the perpetuation of tyranny and slavery [hear, hear!]. The House are aware that Mr. Smith lived on the plantation called *Le Resouvenir*, and that the next plantation is called *Success*, to which *Quamina* and some others of the negroes belonged; others, again, lived on adjoining plantations. It has been already stated, that the orders sent out by lord Bathurst were for the abolition of the cart-whip in the field, and the total prohibition to flogging females. Now, I find that Mr. Hamilton, of *Le Resouvenir*, stated on the 15th July, that, if he was

not allowed to flog his female slaves; he would put them into solitary confinement, without food [hear, hear!]. That humane gentleman at the same time comforted himself by expressing his conviction, that the plan of Mr. Canning would not be carried into effect. I sincerely hope he will find himself disappointed; I hope and trust that that right hon. gentleman will, as I know he can, introduce such measures as neither this manager, nor all the managers of all the estates in our colonies, will be able to resist. But Mr. Hamilton did not stop here; when he heard that cart-whips were to be prohibited in the field, he humanely furnished his drivers with cats-o'-nine-tails in addition. To the credit of Mr. Van Cooten, however, he took the cats-o'-nine-tails from the drivers, and turned Mr. Hamilton away.

I cannot conclude without observing, that the spirit which dictated this prosecution, and seems to have attended it in its progress before the court-martial, is not yet at rest. I find that there still exists the same spirit of resistance to the mild and lenient measures advocated by the mother country; the same anxiety to persecute every individual who stands up in support of the cause of truth and justice. The House are already aware of the part taken by the rev. Mr. Austin, a clergyman of the established church, in this transaction; but they are not, perhaps, aware of the extent of malice, and misrepresentation, and obloquy, to which he has been subjected, in consequence of the honourable and Christian part which he took on the trial of Mr. Smith. In the *Guiana Chronicle and Demerara Gazette* of the 26th of April, I find the following observations:

"And now for the sleek-headed Philistine—the preacher of bad-will to all men—the slanderer of all men, and the evil spirit of Demerara." In the *Guiana Chronicle* of the 9th February the following paragraph appeared:—"There is some individual in this colony, a wolf in sheep's clothing, who is doing incalculable mischief to the cause of truth and the interest of the community, by his methodistical mummery, and the mendacious and scandalous writings to people of his own class in England. The name of the individual has been hinted to us, and not only hinted to us, but, by the sacredness of the cause we advocate, if we happen to fix on the worthless animal in a tangible and credited

shape, it shall be no fault of his if we do not make him publicly execrable.

"This wolf in sheep's clothing, this worthless animal, we have now fixed upon in a 'tangible and credited shape;' and, as the editor of the *Royal Gazette* says, 'the rev. Mr. Austin is the man!' To find language sufficiently expressive to denote our abhorrence of the conduct of this individual, is impossible. There is no language in the known world capable of supplying us with words sufficiently strong for the purpose. It deserves every epithet that is bad: it merits every stigma which can be cast upon it: and it is calculated to excite that unlimited reprobation, with which the acts even of the most hardened criminals are universally visited. To repeat the extract from Mr. Austin's letter, *verbatim et literatim*, as it appears in the *Missionary Chronicle*, will not be necessary, it is recorded in our last; it will only be proper that we take to pieces that part of it which contains a direct charge against the inhabitants of this colony, of attempting the life of a fellow-creature. In this we are in some measure relieved by our correspondent, 'Episcopalian,' whose communication we recommend to the perusal of our readers.

"In penning this paragraph, 'Nothing but those principles of the Gospel of Peace, which he (Mr. Smith) has been proclaiming, could have prevented a dreadful effusion of blood here, and saved the lives of those very persons who are now (I shudder to write it) seeking his—Mr. Austin has not used that circumspection which his better sense ought to have prescribed for him. The contents of this paragraph are as false and libellous as falsehood and libel can be, and we recommend the gentlemen of this colony, who have any public spirit in their veins, and whose rank in society entitles them to display it, to wait upon his honour, the first fiscal, in a body, and insist upon the vilifier and traducer being prosecuted for his scandalous and infamous charge. This is the way in which our colonists are sacrificed. This is the way in which materials are afforded to the saints to fabricate their weapons of attack, and to bear down the colonists before them. The very people whom we clothe and feed, the very people whom we nourish and enrich, are those who are our bitterest enemies, and who do us more mischief by far, than a whole host of declared opponents. We meet the latter on fair terms, but we have no means of defending

ourselves against the former. They stab us in the dark, and the blow becomes mortal before a remedy can be applied. And will the people of this colony continue the tool of these fellows any longer? Will the inhabitants of Demerara permit Mr. Austin to continue to pocket their money at the expense of their lives? For what can we expect, when our own well-paid minister, a minister of the established church, rises in rebellion against us, but that ruin awaits our property—and

—‘they do take our lives, When they do take the means by which we live.’ If they do, we can only say, that Mr. Austin will be fully authorized to follow the line of business he has so fitly commenced, and to go on dealing out, by wholesale and retail, and for exportation, ready-made lies, and other articles, for the convenience and assistance of the saints. If, however, they do not, and we are in hopes that this will be the case, let them pursue that line of conduct towards their lurking foe, as shall render his longer residing amongst us more a matter of necessity than of choice. Let them do this, and they will prove themselves to be the friends of the country.

“Mr. Austin’s character is forever gone. As a clergyman, as a preacher of the doctrines of our Saviour, the fundamental principle of which was truth, he is sunk beyond redemption; his honour is forfeited; his name is blighted; and the pulpit cannot shield him from shame and disgrace, nor from the justly merited reproaches of an injured and calumniated set of people. Wherever he goes, the finger of hatred shall point him out, and derision shall laugh him to scorn; while the misery of those who are connected with him shall add poignancy to the reflection, that his reputation is blasted for ever; and that, for mere worldly gain, he betrayed the friends who fostered him, and,

—‘like the base Indian,
Threw a pearl away richer than all his tribe.’

“It was our intention to have entered more largely into this matter—to have noticed the forfeiture of his word, of his honour, to his excellency the late governor, which he sacredly offered as a pledge, that he would not write home to the missionary society upon any thing connected with the trial of the late Smith; and to have touched upon his remarks before the Board of Inquiry, &c. But these points are ably handled by an ‘Episcopalian,’ and supersede the utility or necessity of our saying a word more.

“In conclusion, we appeal to the inhabitants—we call upon them, as they respect the laws and institutions of the colony—as they feel for the common weal and welfare—and as they are identified with its safety and its danger—to unite in expelling, by all the legal means in their power, this pest from the shores of the country. We call upon them, as fathers, as Christians, and as men, to discontinue their attendance at his church, until his presence shall no longer profane it; and to offer up their morning and evening prayers in the retirement of their own dwellings, where the honest sentiments of devotion will be heard, ‘though no crafty gownsman shall superintend the scene.’ We call upon them to do all this, as a duty they owe to themselves, and to the country which by birth or adoption is their own; and, finally, we call upon them to shun, in public and private places, all intercourse with the being who is a disgrace to his cloth, and an enemy to the establishments and prosperity of the colony’—[hear, hear! from both sides of the House].

Now, Sir, mark:—The revolt took place on the 19th of August; the publication which I have just read was given to the world on the 26th of the following April—a period of seven months having elapsed! The House will from this be able to judge what a malignant and persecuting spirit still exists in that colony. I could shew from other documents (but it is not necessary) the same spirit of hostility to religious education—the same determination to degrade the negro character, openly, disgracefully avowed in that colony. And Sir, those opinions will lead to the humiliation and disgrace of our tribunals of public justice in the colonies, unless this House expresses in the strongest and most decided terms its reprobation of such proceedings [hear, hear!]. If you do not do this, you will let it go abroad that you do not mean to govern your colonies upon principles of law and justice. An awful responsibility now rests upon his majesty’s ministers and upon this House. If we allow this question to go by without deep and serious consideration, we shall let slip an opportunity not easily regained. The right hon. gentleman opposite (Mr. Canning), whose talents all admire, and whose weight in this House and the country is notorious, can settle the question at once [hear, hear!]. That right hon. gentleman has hitherto stood forward as the

friend and advocate of every measure introduced for the benefit of the negro population of our colonies. I call upon him to consider what will be the effect of negativing my hon. and learned friend's motion this evening. I call upon him to reflect upon the triumph that will be obtained in Demerara by such a proceeding. Let it once be known in that settlement that this motion has been negatived, and the persecutors of Mr. Smith will rejoice, the shouts of victory will burst forth. How, then, is the complaint of the humble negro to be heard—how are injustices, daily inflicted upon him, to be remedied? The consequence of such a determination on the part of this House will be, that the severity exercised to the negroes, will be increased an hundred fold, the cause of religion will fall to the ground, government will lose its authority, and all the hateful and degrading passions of man will be brought into full and unrestrained action [hear, hear!]. I say, Sir, that we owe it to ourselves—we owe it to justice—we owe it to him who is gone to render his account at the bar of Heaven, to come to no decision upon this question which, as conscientious men, we cannot approve of as just and right. I call, then, upon every man who hears me, not to vote until he has read the evidence, and fully sifted the grounds upon which the question stands. I hope the decision to which we shall come will be in unison with the voice of the country, and that we shall, by our vote this night, mark, as it deserves, an act alike repugnant to British justice and British feeling [hear!].

Mr. Tindal said, that, in rising to oppose the motion of his hon. and learned friend, it was not his intention to offer himself either as the apologist or the defender of certain little irregularities which had, it appeared, crept into the proceedings before this court-martial. If his hon. and learned friend who had just sat down had called upon the House to consider what would be the effect of negativing this motion, he (Mr. T.) begged of them to consider what would be the effect of adopting it [hear, hear!]. The motion of his hon. and learned friend was for an humble address to his Majesty, stating, on the part of that House, that they had taken into their most serious consideration the papers submitted to them relative to the trial of Mr. Smith, and that they felt it their duty to declare, that they contemplated with feelings of

serious alarm and deep sorrow the facts therein stated. The House should bear in mind, that by this motion they would condemn, unheard, a set of men, bred in the school of honour, and who had acted under the solemn sanction of an oath. It should be recollected, that if Mr. Smith's character was dear to him and to his friends, there were in the settlement of Demerara, gentlemen whose characters were also dear to them.

He could not help expressing some surprise at the turn which the debate appeared to have taken since the last discussion. On the former evening, he understood the main point argued to be the illegality of the tribunal before which this missionary had been tried. To-night it appeared that his hon. and learned friend who had just sat down admitted what he (Mr. T.) had been led to consider as the great offence. [Dr. Lushington dissented from this statement]. For surely, if the illegality of the tribunal could have been shewn, it must have appeared from the stores of learning which his hon. and learned friend, (Dr. Lushington) was capable of bringing to bear upon it. Before the House could pronounce an opinion, that there had been a gross violation of law in the proceedings of the court-martial, it must find such an opinion on one of these grounds—either the measure of punishment inflicted must have been too heavy; or the court must have been without jurisdiction; or the conduct of the court must have been grossly partial and unjust. He for his part took it, that the court was competent to the performance of the duties imposed upon it, and to award in this case the punishment of death; but, lest any doubt should remain upon that point, he should trouble the House with a few authorities, to prove, that the punishment of death, was the only punishment that could, according to law, be inflicted for the offence. It was hardly necessary for him to state, that the laws of Demerara were founded on the Dutch law; or to add, that the laws of Holland were founded upon the old Roman law. And no man would hesitate to admit, that, by the ancient civil law, the punishment of death was inflicted alike upon persons who committed treason, or who, knowing of its commission, concealed that knowledge. Huber, an eminent writer upon civil law of the sixteenth century, laid it down, in terms not to be mistaken that

to conceal treason was the same offence as to commit it; and he added, "if any man excites sedition, or commits it, he shall suffer death." It was not for him to defend that law, or to contend that the milder law of England was preferable; it was sufficient for him to know that it was the law of Demerara, which was the Dutch law; and it was in Demerara that Mr. Smith was tried. The hon. and learned gentleman quoted other writers upon civil law, French and Dutch, in support of this part of his argument, in which it was stated, that a person concealing high treason was liable to the punishment of death, although he had no participation in the criminal act. The House had, therefore, a concurrent system of law established in Europe, in support of the power of the court to pass the sentence which it did on Mr. Smith.

Having now disposed of the first point, with respect to the measure of punishment, which, he trusted, he had set altogether at rest, he would apply himself to the second point; namely, the jurisdiction of the court, and inquire, whether it was not the best constituted and most impartial court that could have been, under all the circumstances, obtained. He agreed, that, as a court-martial sitting under the mutiny act, it was only the proclamation of martial law which could justify it. But, the proclamation of martial law at once superseded all civil process, and made it necessary that some other courts should be substituted in its stead. Before he went further, he wished to guard himself against a conclusion which had been come to by some hon. and learned gentlemen on the other side. It was said, that martial-law had been proclaimed on the 19th, and that the offence of Mr. Smith, if any, had been committed on the 17th; and then it was asked, whether that law was to have an ex-post facto operation, and that under it all by-gone offences were to be tried? He said, certainly not; it would not be lawful to try in this way an offence committed last year, or at any previous period, which gave it a character distinct and separate from the circumstances which occasioned the proclamation of martial-law. But here the case was different: Mr. Smith was charged with having a guilty knowledge of meditated treason and rebellion on the 17th of August, and with having concealed that knowledge. On the 18th, the ne-

groes revolt, and, in consequence, martial-law was the next day proclaimed. Was he not, then, drawing too nice and subtle distinctions—distinctions unworthy of the hon. and learned members on the other side—to say, that the offence of concealing the knowledge of the treason on the 17th, was a by-gone offence, and not an offence cognisable by this court-martial, there being then, under martial-law, no other court in the colony by which it could be tried?

Having said so much about the offence, he would inquire what the construction of the court was, and whether it was not the best that could have been obtained? And, first, if a court-martial had not been appointed, by what tribunal could Mr. Smith have been tried? According to the law of the colony in ordinary cases, he would have been tried by a court composed of the president of the court of justice, and a certain number of planters, who would be judges alike of the law and the fact, and who, as planters, would necessarily have been interested in the decision. Now, he would put it to the candour of the House, whether a court composed of British officers, for the most part strangers, having no connexion with the colony (with the exception of the Vendue-Master); and therefore disinterested—he would put it to the House, whether a court so constituted was not preferable to the former, and more likely to be favourable to the prisoner? His hon. and learned friend had not acted quite fairly in his allusions to Mr. Wray, the president of the civil tribunal. He was a gentleman of liberal education and amiable manners, to whom he had the pleasure of being known in the course of professional intercourse; and he did not believe that he would, for a moment, have lent himself to any base or unworthy proceedings, such as those described.—Again: with respect to the proceedings of the court. Leading questions had been objected to; but it would be found, that more leading questions had been put on the part of the prisoner than by the other side, and that, upon the whole, the balance was considerably in his favour. The same observation would apply to another complaint, that of hearsay evidence. He had again to complain of a little unfairness on the part of his hon. and learned friend, in not using, with his usual candour, the observations made by his hon. and learned friend (Mr. Scarlett) on a former evening, re-

lative to the statements of some of the witnesses having been confirmed by Mr. Smith himself. Now, it appeared from the evidence, page 41, that he was present at a conversation, in which, while he was taking a glass of wine in an inner room, he heard Quamina and Seaton talk in a low tone, and speak of "driving their managers" and "a new law." Upon this part of the case it was asked, whether every man should be bound to prove an alibi, against whom it was stated that he had been in some place where something illegal was spoken? But that was not the point at issue. Here it appeared, that testimony was given by Mr. Smith himself, strongly corroborative of what had been stated by Bristol and Seaton. It could not be disputed, that there was clear evidence of the following facts; namely, that a revolt had taken place on the 18th of August; that that revolt had been headed by persons high in office or duly attending at the Bethel chapel, where the accused officiated; that Mr. and Mrs. Smith remained in their house upon the estate, after the other whites in the colony had become alarmed and were flying for shelter: that on the evening when the revolt broke out, Mr. and Mrs. Smith had been found walking near the spot; that Smith had had an opportunity of informing the governor of what he knew, as he had been that morning in town on horseback, for the purpose of consulting his medical adviser; and that, in the evening of that day, he was put in possession of information which he ought to have communicated to the governor, but which, though he had an opportunity of doing so, he withheld.

He now came to the fact of the communications made to Mr. Smith on Sunday the 17th of August. It appeared, from the evidence of Bristol and Seaton, as well as of Aves and Bailey, that he had had an intimation of discontent and dissatisfaction amongst the slaves so far back as six weeks before. But, to come to the case of the 17th: Mr. Smith, in page 40, says, "They (Bristol, Seaton, and Quamina) were all standing together, and I went into the hall to get a glass of wine. While drinking it, I heard Quamina and Seaton, who were talking together in a low tone of voice, use the words 'manager, and new law.' This induced me to rebuke them for talking of such things." Why, he asked, rebuke them, unless he considered their conduct improper; and if improper,

why conceal what he knew from the governor? He then goes on to say: "From all that passed, I had not the smallest idea that they intended to revolt. The receipt of Jackey's note on Monday evening brought to my recollection what I had heard on the preceding day, and caused me then to attach to it a meaning which I had not attached to it before." But, the fair inference is, that he knew more of the conspiracy than he was willing to admit. For mark what Peter says, when examined by the prisoner: "Were you at the chapel the Sunday before the revolt?" "Yes."—"Did you see Quamina of Success on that day?" "Yes."—"Where did you see him?" "At Mr. Smith's house."—"Were there any other persons present?" "Bristol, Seaton, a boy named Shute, a field negro of Le Resouvenir, and Mr. Smith, were present, and, with myself, made six."—"Did Quamina say any thing to the prisoner; if yea, what was it?" "Yes: he said that they should drive all those managers from the estates to the town; to the courts, to see what was the best thing they could obtain for the slaves: then Mr. Smith answered, and said, that that was foolish; how will you be able to drive the white people to town? and he said further, the white people were trying to do good for them, and that if the slaves behaved so, they would lose their right; and he said, 'Quamina, don't bring yourself into any disgrace; that the white people were now making a law to prevent the women being flogged, but that the law had not come out yet; and that the men should not get any flogging in the field, but when they required to be flogged they should be brought to the manager, attorney, or proprietor, for that purpose;' and he said, 'Quamina, do you hear this?' and then we came out"—"What did Quamina say in answer, when Mr. Smith said 'you hear?'" "He said, 'yes, sir; that was all.'—He would ask, could any person, who was acquainted with the state of society at Demerara, who knew the strong distinction between the whites and blacks, and who possessed the knowledge which it was proved had been communicated to Mr. Smith—could he, he would ask, be considered as doing the duty of a good citizen in not making it known to the government? Would any man but Mr. Smith have contented himself with exhorting the blacks to be peaceable; and not have found it his duty to caution the government, that such steps might be

taken as the probable course of events rendered necessary?

It was important, too, for the House to recollect, as was stated in evidence, at page 26, that a letter was sent on the Monday, the morning of the insurrection, by Jack Gladstone to Jacky Read, which the latter sends, enclosed in one from himself, to the prisoner. Jack Gladstone, it would be recollected, was the son of Quamina. The House would see, by referring to this letter, how far it was confirmatory. A slave, Jack Gladstone, writes to Jacky Read, and Read sends the letter to Smith. Now, what is Smith's answer? "To Jacky Read—I am ignorant of the affair you allude to, and your note is too late for me to make any inquiry. I learnt yesterday that some scheme was in agitation, but, without asking any questions, I begged them to be quiet, and trust they will. Hasty, violent, or concerted measures, are quite contrary to the religion we profess; and I hope you will have nothing to do with them." This was Mr. Smith's answer; and could any reasonable man doubt, after having read it, that Mr. Smith had not more knowledge than he thought it prudent to confess? At least, he must have known there was something in agitation. But this would be confirmed, he thought, by Jack Gladstone's letter, which was as follows:—"My dear brother Jacky—I hope you are well, and I write to you concerning our agreement last Sunday. I hope you will do according to your promise. This letter is written by Jack Gladstone, and the rest of the brethren of Bethel chapel; and all the rest of the brothers are ready, and put their trust in you, and we hope that you will be ready also; we hope there will be no disappointment either one way or the other. We shall begin to-morrow night at the Thomas, about seven o'clock." Now, this letter was from the brethren of Bethel chapel, and sent to the rest of the brethren; it came to Mr. Smith three quarters of an hour before the revolt was to break out. It was proved, by the evidence of his own servant Charlotte, that he had a horse in his stable; and what prevented him that instant from sending a communication to the government? He would now look at the answer. The letter of Jacky Read says: "Dear Sir, Excuse the liberty I take in writing to you; I hope this letter may find yourself and Mrs. Smith well. Jack Gladstone has sent me a letter, which appears as if

I had made an agreement upon some actions, which I never did; neither did I promise him any thing; and I hope that you will see to it, and inquire of members whatever it is that they may have in view, which I am ignorant of; and to inquire after it, and know what it is about. The time is determined on for seven o'clock to-night." It was important to notice what was Mr. Smith's answer to this. Was he ignorant of the affair alluded to in the letter of Read? Must he not have known of those concerted measures, of which he alone speaks? If he did know of them, was he doing his duty, as a citizen of Demerara, in keeping this knowledge to himself, remaining quiescent when the colony was on the eve of a rebellion? "I am ignorant," he says, "of this affair." But, of what affair? and did not his use of such words shew that a suspicion at least did exist in his mind [hear, hear!]. Why fancy "hasty, violent, and concerted measures," when no such measures were alluded to in the letter, unless he had good reason to know they were to take place? This part of the letter was extremely strong as a proof, and ought to be well weighed.

He would not go through all the details of the evidence, but allude to some parts of it only. It was on the evening of Wednesday that Quamina made his appearance and received some provision from Mr. Smith. This shews distinctly that there was not only a communication, but a connexion between the two. If the only question were the guilt or innocence of Mr. Smith, this ought to be considered as entirely settling that point. But this was not the question before the House. They were called on to pass a censure on the court-martial which tried him. Was this usual in other cases? Was it customary, when a prisoner was committed by a magistrate, after that magistrate had duly investigated the matter, to censure that magistrate, if it were afterwards discovered that the evidence had been erroneous? In trials before the usual courts of justice, where the judges used their best discretion, was it, he would ask, customary to pass a censure on them immediately after they had pronounced the sentence of the law? It was not; and they never were censured for their proceedings, when they behaved with a proper discretion; and it was only in cases in which all mankind cried out against them, that they were subjected to reproof or punishment [hear, hear!].

He did not mean now to argue the question, whether Mr. Smith was guilty or innocent; but he meant to say, that it would be the hardest thing possible, without hearing the members of that court, without hearing those who tried the prisoner, and learning from them what parts of this evidence influenced their minds; it would be the hardest case possible to pass a vote of censure on those honourable persons, and consign them to ignominy for life [The learned gentleman sat down amidst considerable cheering].

Mr. J. Williams said:

Mr. Speaker, my hon. and learned friend, for whom, on all accounts, I have great respect, and whose judicial and temperate manner forms so striking, and, so far as he is concerned, favourable a contrast to the violence of the proceedings which he undertakes to defend, began by observing, that the debate has this night assumed a new shape. I am at a loss to account for this observation; for surely the House cannot have forgotten, that my hon. and learned friend, who introduced this subject (Mr. Brougham), in a speech worthy of his abilities, arraigned the whole proceedings; the constitution of the court, the law under which they affected to act, their conduct during the trial, and the deficiency of the evidence upon which they undertook to convict. To my hon. and learned friend himself (Mr. Tindal) the observation may, with much greater truth, be applied. He, indeed, has introduced into the debate a perfect novelty. For neither the hon. member for Newcastle, connected with the colonial department (Mr. W. Horton); nor my learned friend the member for Peterborough (Mr. Scarlett), who expressly abandoned the sentence, which my hon. and learned friend, by his new lights, steps forward to defend, ever thought of resting their palliation (for I cannot call it defence) upon those authorities which the fortunate adjournment for a week has enabled my hon. and learned friend to produce for the support and maintenance of the case. But, above all, never did those persons who had the conduct of the cause upon the spot, and who might be supposed to abound with precepts of colonial law, refer or allude to that recondite learning upon which now, for the first time reliance has been placed, as the foundation and justification of these proceedings. What said the deputy judge-advocate Mr. Smith?

Where, in the course of that most laboured harangue, occupying, as it does, eighteen mortal pages of the parliamentary report, during which the learned gentleman tortured his faculties in a manner and to an extent so remarkable, when compared with the opening speech of half a page—where, I repeat, is to be found any reference to the civil law, to the law of France, or of Holland, with citations from which, by an after-thought, my learned friend has instructed the House? Not a word of any of them from the deputy Judge-advocate. He had bottomed himself upon other authorities—upon Hale, upon Blackstone, upon living writers on the English law of evidence, Serjeant Peake and Mr. Phillips—upon the Mutiny act;—in short, upon the laws or statutes of England, and no where else.

Sir, my hon. and learned friend has observed early in his speech, and again at its close, that the resolutions import matter of grave and serious accusation. And if it be so, with whom is the blame? With the resolutions, or the acts of those whom they arraign? If the language be of some severity, it is but copied from those authorities for whom my hon. friend, I know, has an unfeigned and habitual respect, and who express themselves with some harshness, or, if my hon. friend will have it so, coarseness of language, respecting excesses committed under colour of martial law—if law it deserves to be called at all. Lord Hale, indeed, declares, “that it is in reality no law, but something indulged rather than allowed as law; that the necessity of order and discipline is the only thing that can give it countenance, and therefore it ought not to be permitted in time of peace, when the king’s courts are open for all persons to receive justice according to the law of the land; and if a court-martial put a man to death in time of peace, the officers are guilty of murder.” To the same effect, and in terms of equal severity, lord Coke also, the great apostle of the law of England, expresses himself: “If,” says he, “a lieutenant or other, that has commission of martial law, doth in time of peace, hang or otherwise execute a man, by colour of martial law, this is murder.” My hon. and learned friend also, by the never-failing course pursued in this House when the conduct of persons vested with authority, and more particularly if accused of an abuse or stretch of that authority, is brought under review, has said much of the respectability

of the governor, and the gentlemen composing the court-martial. Into that question, Sir, I will not enter. It costs me nothing to believe—I am ready to admit—that the character given to them all, and to one (Mr. Wray) from personal knowledge of my hon. friend, may have been perfectly well deserved. My concern is with the particular transaction, and not with the men. The object of the motion is, by a notice of this case (a most fit and proper one surely for the purpose), to read a lesson to our colonies and dependencies—to have it clearly understood, and practically taught, that this House will allow no instance of violence and oppression, and, above all, violence and oppression under the colour of legal forms, to pass without due notice and animadversion.

Sir, my learned friend who spoke last, with the exception already noticed, has retreated upon the same ground already occupied by my learned friend, the member for Peterborough. He also rests upon the concealment by Mr. Smith, on the Sunday, of—the plot, as he says; of—something, as I say, according to the evidence,—or, as the fashion has been to call it, misprision, upon a supposed (I trust I shall shew it to be an unfounded) analogy to the case of high treason. It is, perhaps, hardly worth stopping to notice, that, though my learned friend set out by assuming the same point of time as my learned friend, the member for Peterborough, for the alleged misprision—Sunday—he afterwards (I presume, because two accusations seemed better than one) travelled into the Monday evening, and fixed upon the suppression of the letter as further misprision. This subsidiary charge, however, it will be seen at once, profits my learned friend little; because the revolt began about four or five, or, in other words, about two hours before the receipt of the letter, which my learned friend says Mr. Smith ought to have revealed, to put people on their guard against mischief to happen! Permit me, however, Sir, for a moment to pause, for the purpose of remarking, that, of criminal intention, of the consciousness of wrong, of moral guilt, Mr. Smith has been by all acquitted. My learned friend who spoke last never went the length of making that imputation; nor my learned friend the member for Peterborough; nor the hon. member for Newcastle, connected with the colonial department. The latter gen-

tleman throughout his speech, so far from expressing his belief of that guilt, which was, by the sentence at least, imputed to this unfortunate man, and which, if justly imputed, made him, of all men in the colony, a hundred-fold the most criminal, spoke of “enthusiasm,”—of “indiscretion,”—of “imprudence,”—of “objectionable conduct,”—of “conduct approaching so near to criminality, that it assumed the aspect of criminality itself;”—but of his belief in guilt, never. Consider, also, Sir, I beg of you, how much has been abandoned by gentlemen on the opposite side. What is become of two-thirds of the reply of the deputy Judge-advocate?—of 12 out of 18 pages of the report of his speech? Have my honourable friends forgotten, or do they cast behind them with scorn (I am sure they do), the use attempted to be made of the private journal of Mr. Smith; the laborious proof of the sale by him of bibles, testaments, and primers, to the negroes; the miserable details of presents made of ducks, chickens, and yams, to Mr. and Mrs. Smith; the breach of quarantine, in preaching to the slaves supposed to have about them the possibility of contagion from the small-pox, and not driving them from his chapel, four years before (though if the Mutiny act had any relation to the proceedings, no offence committed more than three years before was cognisable at all); and that most serious and enormous outrage, so copiously proved and enlarged upon, of Mr. Smith having read the Old Testament to the negroes, and, above all, that horrible narrative of the escape of the children of Israel from Pharaoh and his host—things which, however culpable on the other side of the ocean, are enjoined by the articles of the church, prescribed by its liturgy, and read, when they happen to officiate, by its dignitaries, to the white congregations of England? These charges, though well calculated, it seems, for the fiery climate of Demerara, obtain no currency in this more temperate region; but hon. gentlemen, one and all, and my learned friend who last addressed the House as much as any of the rest, have concentrated their defence in a corner of the third charge—this same misprision. And within narrow limits surely, it must be admitted, the defence is now cooped up, when it is remembered that my learned friend, the member for Peterborough, the founder of that defence, abandoned the commencement of

the proceedings, because no man, he thought most truly, should be tried by martial law for acts done before its existence; that he abandoned also the conclusion, for the sentence he did not approve; and that the middle shared the same fate, for he censured the ravaging of his journal, and the attempt, by extracts and selections, to fix criminality upon Mr. Smith.

But, Sir, to pursue the argument of my learned friend who spoke last, which seeks to prove that, for misprision or concealment of treason, by the law newly brought to light, the sentence of death was at least within the jurisdiction and competence of the court. Has my learned friend shewn, or attempted to shew, that the law on which he relies, if ever the law of the colony, still remained so after the cession to this country, and to the time of the trial? Does he mean to contend, that every usage and institution, of whatever kind, however outrageous and monstrous for absurdity or cruelty, and repugnant to the essential principles of the law and constitution of England, if once existing in a conquered or ceded territory, for ever continues in force? This was necessary for the conclusiveness of the argument, but it has not been done. On the contrary, the silence of the colonial lawyers, and their constant reference to the law of England, is almost conclusive against him, upon the matter of fact. But, further still: has my learned friend considered (if he has, he has not communicated his views and opinions to the House), how far Mr. Smith, a British subject, could be involved in the guilt of treason by the proceedings, however dangerous, of the blacks, upon the occasion in question? It has not, I am persuaded, escaped the observation of my learned friend, that the charges themselves no where describe the revolt and rebellion (as it is termed) to have been a revolt and rebellion against the constituted authorities of the colony, which, perhaps by fair inference, might imply a rebellion against the king: but the revolt and rebellion is defined (in the only place where a definition is given at all) to have been one "against the authority of their lawful masters, managers, and overseers." Be it then that these unfortunate beings, by rules and orders established against them, and them only, by the will and pleasure of the whites—for I will not condescend to dignify them by the respectable appellation of law; law

implying equality, law protecting every class and denomination, law recognizing no distinction, and least of all that of colour—be it, that the negro slaves, for running away, striking work, for combination (to use a phrase which I trust will soon be less familiar in this country), had been guilty of revolt and rebellion against their masters; or, if you please, had been guilty, in the phraseology of Demerara applicable to slaves, of high treason: does it therefore follow, that a white inhabitant, one of the privileged class, and a free subject of the king, can, by the same acts, involve himself in the guilt—not of Demerara high treason, but—of high treason within the statute of Edward 3rd; that statute, which covers the accused with the whole armour of law, not for the purpose of oppression but defence, and of which Mr. Smith has, by this course of proceeding, been deprived? These, Sir, are, as it seems to me, serious considerations, overlooked by my learned friend, and yet necessary to be established before he safely arrives at the conclusion that, even with his own law, the sentence of the court can, in its utmost extent, be sustained.

I proceed, however, Sir, to the evidence to sustain this charge of misprision (whatever the punishment might legally have been), alleged to have been committed by Mr. Smith on the Sunday, by withholding knowledge then communicated to him; this being, as I have observed already, the view of the subject originally taken by my learned friend the member for Peterborough. And here, again, I maintain, that this harsh and forced analogy, derived from the doctrine of high treason, absolutely and completely fails. But I beg, Sir, before I proceed, to be distinctly understood as abandoning no portion of the argument of my learned friend the member for Ilchester (Dr. Lushington); that I adopt all his observations, and agree in the conclusion, deduced from his most judicious and skilful dissection of the evidence, that the quality of the testimony, and the collision and contradiction amongst the witnesses (and such witnesses!) ought to have led any reasonable man to the conclusion of the innocence of Mr. Smith. I believe the larger position—the outer works, which he occupied—may be, as they were by my learned friend, successfully defended. My ground, however, shall be taken within his. Admitting, then, that,

the evidence had been from persons the most unsuspecting, instead of run-away slaves with halters about their necks: granting that the testimony of Bristol and Manuel (the only two witnesses for the prosecution who speak of any knowledge of any thing by Mr. Smith) must be taken without reserve; and, further, that it (I speak more particularly of that of Bristol, as being the most important) received no contradiction, instead of being contradicted by not less than three other witnesses—even upon this most gratuitous admission, made only, as you perceive, Sir, for the sake of argument, I fearlessly contend, that this charge is not proved. To sustain this hopeful analogy, Mr. Smith must have had knowledge of a revolt and rebellion—a settled and organized plan, and not merely a vague suspicion of something about to happen. This cannot be denied. My learned friend the member for Peterborough, who seemed to quarrel with a statement of my learned friend the member for Knaresborough, understanding that statement as more generally laid down than it actually was, and said, that it is not necessary, in order to make a man an accessory to treason, or guilty of misprision, that the treason should be complete—as, for instance, if a plan be formed to put the king to death on a certain day, a man may be guilty of misprision by secreting the conspiracy before the accomplishment of the purpose—must also admit to us, that the knowledge must be of treason, and nothing else (I perceive he does admit it, and it could not be otherwise); but that a suppressed knowledge of general and rising dissatisfaction, of personal but indeterminate hostility, of any thing, in a word, short of high treason itself, would not amount to guilt.

Try the case, Sir, by these admitted principles: The evidence of a communication to Mr. Smith, relied upon by gentlemen opposite, is that of Manuel and Bristol; for it should be premised, that there is no proof that he had any knowledge of the meeting at Middle-walk on Sunday afternoon; Bristol, in his cross-examination (by the court, of course, as the answer was expected to be unfavourable) expressly stating, that neither he, nor Quamina to his knowledge, acquainted Mr. Smith with it. Now, the evidence of Manuel is, that he was at Mr. Smith's on a Sunday (mistakenly supposed by him to have been three weeks before the

commotion) and that there was a conversation between Mr. Smith and Quamina as to the paper come from England. “He (Mr. Smith) told Quamina, that there was no freedom in the paper at all; he told them to bear patience; if there was any thing good come, it was come for the women, because the drivers were not to carry whips any longer in the field. Quamina told Mr. Smith to take Jack and Joseph, and talk to them; Mr. Smith agreed to take them after chapel; and after one o'clock he did take them, but I cannot tell what he said. Quamina told the parson, in my hearing, that Jack and Joseph wished to make trouble on account of this affair about the paper, and to make a push for it, and for that reason he wished the parson to speak to them.” And this is the whole revelation deposed to by Manuel. Not, I beg of you to observe, Sir, that the negroes were determined to make “a push for it;” not that they listened to the suggestions of Jack and Joseph, or even knew of their “wishes to make trouble:” nothing definite, nothing specific, nothing general, so far as appears, was to be attempted, or had even been thought of. The other piece of evidence is at page 14 of the parliamentary report; for I also, as well as my learned friend the member for Ilchester, do not travel out of that. This is Bristol's account of what passed on the Sunday. “Quamina asked Mr. Smith if any freedom had come out for them in a paper: he told them, No, but that there was a good law come out, but there was no freedom come out for them: he said, ‘You must wait a little, and the governor, or your masters, will tell you about it.’ Quamina then said, Jack and Joseph were talking much about it; he said, ‘they (Jack and Joseph) wanted to take it by force.’” This is the whole of the evidence as to communication to Mr. Smith, who proceeds immediately, according to the account, to use to Quamina (to be repeated to Jack and Joseph) such arguments as, it must be admitted, were best calculated to repress any design. He points out the difficulty attending any enterprise of violence, and the means by which it could not fail to be speedily put down, and, naturally, as a leading topic, alludes to the soldiers, who would be sure to overpower them. And here again the same remarks apply: it is a communication of no general plan; it is of a purpose; he it observed, of the same two negroes, not,

so far as appears, divulged to, still less adopted by, the whole body. The conversation, however, is not with the two malcontents, but with a third person, who himself disapproves, and wishes them to be checked. The very utmost that the most malignant sagacity and hostile exaggeration can make of this, is, that Mr. Smith knew (as in his letter, page 26, he admits) of "some scheme" in agitation, though, at the same time, he adds, he exhorted them to be quiet. To infer from this that he knew of the scheme, the plan of revolt and rebellion (which, by the way, according to the evidence of Seaton, page 22, did not exist till after Jack and Quamina were seized, between four and five o'clock on Monday afternoon) is not acting upon evidence, but concluding in favour of guilt upon wild surmise and hazardous conjecture, and that, too, in a capital case.

And here I must observe, that my learned friend who has just sat down, if, as I rather collected from his manner, his eye-sight did not fail him, stopped short in reading the testimony of Peter (page 63), in a manner most unfair and unfavourable to Mr. Smith. This witness, after having given a very different version from Bristol's of the conversation with Mr. Smith on the Sunday—(I am now alluding to that part of the evidence which has been read to the House)—proceeds to give the remonstrances of Mr. Smith, as follows: "He (Mr. Smith) said further, the white people were trying to do good for them; and that if the slaves behaved so, they would lose their right; and he said, Quamina, don't bring yourself into disgrace; that the white people were now making a law to prevent the women being flogged, but that the law had not come out yet; and that the men should not get any flogging in the field, but, when they required to be flogged, should be brought to the manager, attorney, or proprietor, for that purpose; and he said, 'Quamina do you hear this?' and Quamina said, in answer, 'Yes, Sir,' that was all." (p. 63.) Why, Sir, this man's evidence, which alludes only to the same conversation as Bristol, and contradicts him in many points, proves also this, that Mr. Smith, when he was informed of something (whether more or less) intended, had good reason for believing that his dissuasion and reproof would be attended with the desired effect. What sort of reasoning is this? The deputy judge-ad-

vocate labours again and again (p. 74) to inculcate Mr. Smith through the ascendancy obtained by him over the minds of the slaves; yet, when another view of the subject is presented, and when it cannot be denied, that, the greater were the ascendancy and authority of Mr. Smith, the greater is the probability that his recommendations would be followed; and the greater his reason for believing that his exhortations to tranquillity, which were uniform, the evidence upon that point being all one way, would be listened to, and prevent any disturbance; then are his imputed ascendancy and authority forgotten and rejected from the case. But, waving this consideration, and conceding to the uttermost the effect of the adverse evidence, it proves no more than this, that Mr. Smith was informed of something—not of any thing definite, not of a scheme actually formed and prepared—but of dissatisfaction at the freedom from England being withheld, which every body else knew, from the governor downwards—of discontent, which might, some time or other, grow up into acts of violence and disturbance, or might not—but of nothing more; and if so, this forced and strained analogy, derived from misprision of treason, the only support of the adverse argument, is cut up by the roots.

And here, Sir, I cannot help expressing my surprise, that, when the conduct of Mr. Smith was considered elsewhere, and is re-considered in this House, it never seems, for a moment, to have occurred to honourable gentlemen to reflect what manner of person this was, to whom this kind of guilt is imputed. I should have thought, that if (which has never been pretended here) the piety of his ransacked closet—his private journal, mutilated and mangled for the purpose—did raise up any colour of imputation or prejudice against him, it must also have produced an unavoidable, however reluctant, conclusion, that if he ever thought of obtaining kingdoms, they were, assuredly, not kingdoms of this world. It would not, I confess, have crossed my mind, to scan and estimate all his actions, or rather sayings, as if he had been some aspiring chief or military adventurer sighing for command; who, rather than remain in obscurity, would be content to "wade through blood and slaughter to a throne," even though it were a throne amongst negroes, and in the steaming swamps of Demerara. I could not think of judging him, as if I

had become a convert to those monstrous and impossible stories contained in the confession of Paris (p. 31, second series)—too strong for the acceptance and belief even of the colony itself—that Jack was to be king; Gill, I presume, queen; Hamilton, commander-in-chief; and Mr. Smith himself to be emperor! It does seem to me, that if he really was, as it is impossible to doubt his having been, an obscure, lowly, and retiring person; of great simplicity of life and singleness of purpose; intent upon the objects of his mission; unused to deeds of arms, and ignorant (what wonder?) of martial law, even after he had consulted his Encyclopedia, for information, as we collect from the evidence (page 30)—it does seem to me, Sir, little short of a miracle, a fact hardly to be established by any accumulation of the most convincing proof, that he should, all at once, quit his peaceful habits, and suddenly, as if in a dream, begin to think only of principalities, and powers, and empires—imperium, fasces, legiones! What object had he to gain by commotion? What was there, in a scene of violence and bloodshed, which was not contrary to the whole tenor of his life, and, as he himself expressed it, “to the religion he professed?”

Sir, I have observed already, how much has been sunk and abandoned by the abettors of these proceedings in this House; and that one only of the four charges has received any countenance here. It is not my intention, however, to let the remainder escape without something like notice and exposure.—The first charge imputes to Mr. Smith having promoted discontent amongst the slaves, “thereby intending to excite the said Negroes to break out in such open revolt,” &c. The intention constitutes the crime: without it, the reading of the ten commandments or any portion of the Old or New Testament, might, undesignedly by him, by an association the most unforeseen and fortuitous, have created the dissatisfaction of the slaves. Sir, the court find the fact of Mr. Smith having created dissatisfaction, but acquit him of any such intention: they acquit him, then, absolutely, I affirm by all law criminal or civil, French or Dutch; by all the sense, the feeling, and practice, of mankind; in morality, as well as law—I repeat it—they absolutely acquit him. And yet (could you have believed it, Sir?) upon this charge as well as the rest, have these “second Daniels

coming to judgment,” under the information and learning of Trinity college—or ought I not rather compare such sternness to the conduct of the Æacuses and Rhodamanthuses of history or fable?) with a vigour of nerve and infirmity of understanding, pronounced a sentence—not that Mr. Smith should be reprimanded for “enthusiasm,” or “imprudence,” or “indiscretion,” in the comparatively mild language of the colonial secretary—but that he should be hanged by the neck until he was dead! And that sentence stands uncanceled, unrevoked—nay, I grieve to add, palliated, if not defended, in this House! But, it may be said, this same court may never sit again; and the man, it is certain, is gone where, if he is to render an account, it will, I doubt not, be before a more mild and indulgent tribunal than that by which he was condemned. Yes; but, for the sake of the justice and honour of the country, these things ought not to be done and to pass without censure.

Of the two remaining charges, the second and fourth, the latter imputes to Mr. Smith the not having seized Quamina on the Wednesday, and, also, the not having given information to the proper authorities. As to the seizure; when Mr. Smith, sinking under a fatal disease, and with one foot treading on his grave, made an affecting appeal to his own weakly appearance and faded form, that part of the charge was too much for the military judges; they acquit him of that. Why, then, as to information; what had he to give? Was he to tell the constituted authorities on Wednesday the 20th of August, that there was a revolt? Did they not know it? Had they not been two days fighting with it? As well might I stop to inform you, Sir, whose eyes are dazzled by them, that lights are burning in this House. These things, but for the event, would be ludicrous.—I shall conclude my notice of this charge by the panegyric bestowed upon it by the deputy judge advocate (page 90): “The fourth charge is satisfied by shewing the bare circumstance of his (Mr. Smith’s) being in the presence of Quamina at his house on the 19th and 20th of August!” Never surely, before, was there a capital charge of so capacious and accommodating a nature. What! if, during every moment that Quamina was in the presence of Mr. Smith, the latter had been upbraiding, threatening, remonstrating, entreating to recal Quamina to his

duty, supposing him engaged in the revolt—would that have satisfied the charge? Why, so then would any thing else.—The second and only remaining charge attributes to Mr. Smith the having: “aided and assisted the rebellion, by advising and communicating, &c. with Quamina, a negro slave” (this charge, with the usual laxity of the whole, no where stating directly that Quamina was in open revolt, &c.) “touching the same.” Of this charge Mr. Smith has been found guilty upon mere speculation and surmise. A grave and serious imputation this is, Sir, surely, if it can be made out, against the finding and judgment of a court in a case of life and death. But this language is too mild for the occasion: it is a finding against evidence; nay, more, against all the evidence; which, uniformly, and without a single exception, represents Mr. Smith as having held one language only,—peace. At pages 8, 14, 22, 26, 50, testimony to this effect is to be found from witnesses for the prosecution, as much as for the accused, and there is nothing against it. If there be, I shall be obliged by any honourable member now stopping me, and pointing out a single expression to the contrary throughout the whole body of evidence. But it is impossible; for there is none such. One part of this testimony, recommended at once by the station and character of the person (Mr. Austin) who gives it, I must read to the House. This gentleman says: “I had received an impression that the prisoner, Mr. Smith, was highly instrumental to the insurrection, and proceeded to inquiries. A variety of reasons were given, which I do not consider necessary to recapitulate, farther than as they apply to the prisoner. I must add that in no one instance, among my numerous inquiries, did it appear, or was it stated, that Mr. Smith had been, in any degree, instrumental to the insurrection. A hardship, in being restricted in attendance on his chapel, was, however, very generally a burthen of complaint” (page 53). So then, I am sustained in my assertion, that this charge was not only not proved, but by the whole body of the evidence disproved.

Sir, when my learned friend who spoke last undertook to defend the previous proceedings, as well as the result; he surely must, for an instant have overlooked the time at which the court martial was held. Upon that subject he was wholly silent. But, how does the matter stand? On the

26th of August the governor, in his dispatches (page 8, second series), describes the improved state of the colony; and on the 31st of the same month he repeats the statement, and says that there had been no interruption to his hopes, before expressed, of returning tranquillity: yet, six weeks after that, was Mr. Smith tried by martial law. Why not as well at the end of six months or of twelve? Where would my learned friend assign the limit, and draw the line, except the excuse for having recourse to this form of proceeding must be considered as at an end whenever actual warfare ceases? Certain it is that the great authorities of the law of England, to whom I before referred, will allow no place for this kind of trial when peace is restored. It is “indulged,” when the more slow and cautious forms of the ordinary tribunals cannot be resorted to from the prevalence of conflict and disorder, and when the flagrancy and notoriety of the guilt of men, taken with arms in their hands, supersedes, in some sort, the necessity of more deliberate inquiry: the importance of an immediate and prompt example is then supposed to be of more value than the preservation of general rules. Beyond this, it is not, in the language, of Hale “allowed for law;” it is not law.

But it may be said, that, apart from all legal views of the subject, it must surely be admitted to have been shamefully negligent on the part of Mr. Smith, not to have communicated to the proper authorities even his suspicions, considering the nature of the case. Some communication to Mr. Stewart, a person in authority “about the rumour among the negroes of their freedom having come,” he did make on the 7th of August (page 57). Further than this I much doubt whether I, in the same situation, should have been disposed to have gone. If Mr. Smith had been living in a state of society regulated by equal law, where parties accused would have been sure of a fair trial under the protection of that law, a question of some nicety, perhaps—but not this question, I beg to observe might have arisen. There as Mr. Smith well knew, the ill-fated beings, whom he must have inculpated, were living under a system of coercion and of punishment, and that a whisper from him, of intended or possible mischief would have been enough to hand over the persons suspected, to the whips and scourges of their tormentors, or to the more merciful, because compendious,

stroke of the executioner: I have no difficulty in avowing, that, in such a state of things, I also should not, any more than Mr. Smith, have been forward in "asking questions" (p. 26). I am sure I should have paused, and should not have acted without knowledge. Vague suspicion I should have thought, if in his place, and I do think now, a poor ground, not for putting a number of fellow-creatures upon trial, but for subjecting them to certain punishment.

One word more, Sir, and I have done. My utter aversion to this proceeding depends not a little, I confess, upon an opinion, a rooted and fixed belief, that it was not so much the person of Mr. Smith which was attacked, as Mr. Smith the missionary—as instruction of every description, and particularly religious instruction. Example, the most powerful of all arguments, leaves in my mind, upon this subject, no doubt. Why, I ask, was Hamilton spared, and Smith persecuted? Hamilton, against whom the second series of papers (if there be any truth in them) teems with accusations; Hamilton, who consulted with the negroes upon the most effectual means of conducting their operations—Hamilton, who took the oath (page 41, second series)—Hamilton, who recommended the best method of preventing "the big guns from being brought up?" Why was Hamilton spared? He had, doubtless, his redeeming qualities—he was no missionary; he was no zealot for instruction—of that, I am persuaded, he might justly have been acquitted—he was no enthusiast—except, indeed, as we learn from my honourable friend (Dr. Lushington), for additional torture. This man is spared; but Mr. Smith, with his journal, his religion, and his piety, is persecuted unto death. Here, Sir, I beg leave to adopt the observation of the foreign secretary (Mr. Canning), upon the recent occasion of Mr. Buckingham's complaint against some of the authorities in India,—"Let not the man be attacked through the faults and vices of the system." If it be indeed true, that the mild precepts of the Christian religion, and slavery—pure, unmitigated, uncompensated slavery—cannot long exist together, but that the introduction of that religion would be only the harbinger of immediate amelioration or total abolition; and if, further, for the protection of the interests of the colonies, all attempts to introduce its doctrines, or any instruction,

must be discountenanced and suppressed; say so at once. Change your system. Make your laws, and proclaim them. Then, but not till then, try the missionaries; level down the chapels; burn the Bibles. But never, whilst an opposite course is not merely connived at and tolerated, but justified and recommended, let this House lend itself to the angry and furious spirit which now more than ever appears (from that unmeasured abuse of Mr. Austin, for merely speaking the truth, which my learned friend has this night read) to inflame the colony. Never let this House, by refusing to pronounce a censure upon violence and injustice, sanction an attempt manifestly made, through the sides of Mr. Smith when living, and by abuse of his memory when dead, to put down all instruction; and, by so doing, stifle the only hope, and check the only means, which the ministers of the Crown themselves have held out, of mitigating at least, if not abolishing, that cruel system of bondage, which, more than any thing else, is a bitter sarcasm upon the vaunted civilization of modern times, a foul stain upon the character of our country, and a disgrace to human nature itself.

The *Attorney-General* said, that, in the observations which he proposed to address to the House, he should not occupy a great portion of its time; but, after the speech of his hon. and learned friend who had just sat down, he felt that he should not discharge his duty, unless he briefly expressed his opinion on this very important subject. He did not feel bound to admit, that he must take part with the honourable gentlemen opposite, unless he could affirm, that, if he had been obliged to sit in judgment on Mr. Smith, the proceedings against whom were the subject of the present discussion, he should have come to the same conclusion that the members of the court-martial had adopted. That, however, was not the question before the House. The persons composing that court must be allowed to have been as independent of the colony as he could pretend to be: they were acting under the sanction and responsibility of an oath: they came to their decision after deliberately hearing the evidence on both sides. He could not, therefore, take upon himself to say, because he should, perhaps, have come to a different conclusion, that they had acted erroneously; much less that they had acted cruelly, unjustly, and corruptly, and had been influenced by

the motives which had been so liberally ascribed to them by gentlemen on the other side of the House. Nothing could, he conceived, be more unjust, than that, because, upon a cool and careful revision of the evidence, the House should form an opinion different from that of the court, it should therefore pronounce the court guilty of error and corruption.

In calling the attention of the House to the actual state of the question, he would first observe, that, with respect to the proclamation of martial law, no person could justify that measure, but upon the ground of absolute necessity. He admitted, that the doctrine laid down by Lord Hale, which had been already stated, was the correct law on the subject. Unless gentlemen, therefore, were satisfied, that a case of necessity existed, no justification could be made out for that measure. Let the House, then, look at the situation of the colony at Demerara when the events alluded to took place: and, although in that House they were sitting in perfect safety and in tranquil deliberation, they would, he was sure, make some allowances for the influence of the terror which surrounded the inhabitants of that colony. The white population consisted of 4,000 persons, thinly scattered over a very large extent of country: and there were nearly 80,000 slaves, in actual or supposed hostility against those whites. The military force of the settlement consisted of only 400 soldiers; and, when an application was made to the commander in chief of the Windward Islands for a reinforcement, he had replied, that he was not able to furnish any additional force. The white population were thus compelled to call in the aid of the Indians, to make head against their revolted slaves. Now, if any circumstances could justify the proclamation of martial law, surely such as he had detailed would do so. The whites had to protect every thing that was most dear to them—their wives and families; their own lives and properties. And, could it be expected, that they would expose themselves naked to the barbarians who were armed for their destruction, instead of resorting to the most vigorous means which were presented to them, for averting the evils by which they were threatened? Was it to be supposed that they had forgotten the horrors which accompanied the revolt of the negroes in the neighbouring island of St. Domingo? Under such circumstances, who would not say,

that the governor was justified in calling into exercise every power he possessed, for the preservation of the colony?

But, it was said, that as soon as the revolt was put down, the system of martial law should have come to an end. This, no doubt, was very true. But, the House was not in a situation to judge of the precise moment at which the danger had ceased. No persons could judge of it, but those who were on the spot. It could not be the interest of the inhabitants of the colony that martial law should continue an hour longer than was necessary. They could have no desire to encounter the fatigue of military duty, to which they were unused; to have their ordinary occupations deranged, their commercial transactions interrupted, and those tribunals, by which their civil rights were protected, suspended. They would gladly have got rid of those evils, had it been possible. He would boldly ask, whether, under such circumstances, persons on the spot were not better judges of the expediency of prolonging martial law than the members of that House? Enough, however, was known to shew its expediency. At the very time when the proceedings of the court-martial were going on, a negro called Richard was in the woods, at the head of a party of blacks, and unsubdued, and the inhabitants felt their only safety was in arms.

As to the mode of trial which had been chosen, it was obvious, that if it had been, as was alleged by some hon. gentlemen, the object of the governor to deprive Mr. Smith of a fair trial, he would never have had recourse to the mode which had actually been adopted. Let gentlemen mark of what description of persons the court was composed. They were, for the most part, military men, who had no connexion with the settlement, but such as arose from the discharge of their military duties in it. The individual who had been selected to preside had previously filled the office of judge-advocate in Spain for many years, and was fully qualified by his knowledge as well as by his character, to perform the function to which he was on this occasion called. His hon. and learned friend who brought forward the present question, had, with the ingenuity of an advocate, produced a paper, in which that gentleman's name appeared affixed to all the advertisements for the sale of slaves. This practice, however, would continue if there were not a single slave

in the settlement; for his interference as vendue-master was necessary, according to the law, in all public transfers of personal property. It had been mentioned, too, as if he had an interest in the number of slaves sold, and was in the habit of receiving a per-centage on them; but the fact was, that he received a fixed salary for his services, and had no emolument whatever from the slaves. Mention had also been made of the President Wray, in a manner which he did not deserve. When the proclamation was first issued, that gentleman offered his services to assist in the emergency, as far as he was able. He was solicited to act as judge-advocate; but he declined this, lest it should be said that he would have exercised too much influence had he taken upon him the office of counsel for the prosecution. He could not have been impelled to this course by any motives but those of a most praiseworthy and honourable description. What emolument, what distinction, could he hope to gain? There was nothing for him to expect, but a very burthensome task and a great responsibility; which, however, he could not evade, without shrinking from the performance of a paramount duty. It was not necessary for him to repeat what had been said of Mr. Wray. He had known him long, and he subscribed to all that had been so justly advanced in that gentleman's commendation. His learning and his talents were of the first order; and his judgment was clear, his temper calm and dispassionate, to a degree beyond those of most men with whom he had ever been acquainted. What, then, could be expected from him but fairness and justice?

It had been said, that it was resolved by the court to oppress Mr. Smith, and under the pretence of a trial, to compass, *per fas et nefas*, his condemnation. To examine the truth of this very grave assertion, the better way would be, to look at the facts of the case. If Mr. Smith had been tried by the ordinary civil tribunal, his judges would have been the president and eight planters. Now, if he had been so tried and found guilty, with what censure of unfairness and partiality would not such a trial have been assailed? His learned friend, the member for Winchelsea, seemed to think, that if he had been tried by that ordinary tribunal, his life would have been safe, because he would have been tried by the president alone on his responsibility. But, according to

the constitution of that court, a majority of five had the power of deciding: so that, either Mr. Wray must have had four planters of his own opinion, or he must have been in the minority, and thus would have had no voice in deciding on the fate of the prisoner.—In the observations which had been made respecting the evidence, great stress had been laid on that of the slaves, to which many objections were taken. It should, however, be remembered, that these slaves were examined, and cross-examined, in open court, and in a way which was best of all calculated to elicit the truth. If they had been examined in the usual way, it would have been on interrogatories, and the cross-examination would have been conducted in the same manner; and he asked, whether, for the interests of justice, it was not better that the open system should have been adopted, than that of interrogatories? The introduction of hearsay evidence had been objected to; but he must tell the House on this subject, that, if Mr. Smith had been tried by the ordinary tribunal no objections could have been made on this score. His hon. and learned friends knew this well; and that there were not any courts, in any country of the world, where the same distinction was made with respect to evidence, hearsay evidence being almost always admitted. And Mr. Smith was to be tried by the law of Demerara, and not by that of England.

He would say one word with respect to the crime of misprision of treason. There was not a single individual, at all acquainted with the law of Demerara who did not know, that if a man were acquainted with the existence of a treasonable plot, and did not communicate it, he incurred the punishment of death; and that accompanied by circumstances of horror which it was not necessary here to mention. It had been said, that it was a hardship upon Mr. Smith that the prosecutor was allowed four or five days to prepare his reply; but surely this could not be objected to, when it was recollected, that the prisoner had been allowed four or five times as many. [Dr. Lushington, across the table, denied that Mr. Smith had been allowed more than five days]. He might be mistaken; but he thought it was as he stated. With respect to his application for counsel having been refused, all he had to say was, that the application was not made until after the prisoner had pleaded.

Now, he had a few words to say respecting the evidence. Whether the prisoner ought to have been tried under the law of England, or under that of Demerara, it was not necessary now to inquire, because he thought this would be admitted to be quite clear, that he was amenable to the laws prevailing in that country where the offence was committed. If by the law of England Mr. Smith's offence had been treason, and by that of Demerara only a misdemeanour, it would have been the height of injustice to visit upon him the former punishment, in a country where the latter was usually enforced. The converse of this rule must be allowed also to be just; and if misprision of treason was punished as treason in Demerara, it was under that law that Mr. Smith, if guilty, ought to have been sentenced. Let them look, then, to what the intentions of the revolted negroes were. In the first place, they avowed that they proposed to gain possession of George-town, and drive away the whites. He presumed there could be no doubt that this was treason; and, that this was their intention, the evidence amply and indisputably proved. Any person who knew that such was their intention—although he might not know the manner in which it was to be effected, the number of the troops, the way in which they were armed, or the point of their attack—and did not communicate his knowledge to the government, was decidedly guilty of misprision of treason. Could any man doubt that Mr. Smith really knew so much of the intentions of the negroes? According to his own defence, according to the admissions which he chose to make—not as was proved by the evidence of the slaves, but by his own letters—this was manifested beyond all question. Besides this, there was the evidence of Bristol, by which it appeared, that Mr. Smith must have had communications on the subject with the slaves. It was true, Bristol was a black; but there was another, of the name of Seaton, who confirmed his testimony. His learned friend said, that the evidence of these men contradicted each other; but he was not borne out in this assertion, for Seaton only said that he went away and left Mr. Smith and Bristol together, after which the communication might have been, as Bristol swore it was, made to Mr. Smith. His learned friend said, that the evidence of two other witnesses was inconsistent; but he forgot to

add, that these were witnesses called by the prisoner himself. Peter and Shute, the witnesses alluded to, however, stated, in point of fact, the same thing: they said, that Mr. Smith advised them not to do what they contemplated, which he said was foolish, and could not succeed. But Mr. Smith's own letter put the matter beyond all doubt: he admitted in it, that he knew of the revolt, but that he purposely avoided putting any questions. A fortnight before this, Manuel said that Quamina had a conversation with Jack and Joseph, when they said they were resolved to have a push for their freedom.

He now came to Jacky Read's letter. That letter was accompanied by Jacky Gladstone's letter, which announced that the rising was to take place at seven, at Thomas's. The brothers were in it; all the members of the chapel were in it; and yet honourable members complained that there was nothing of precise information. Why, was there nothing precise in all this? Upon considering this evidence attentively, he really thought no person could doubt but that, at six o'clock of the day on which the insurrection broke out, the intention of rising was communicated to Smith, in terms so precise as could have admitted of no mistake. The defence of Mr. Smith to this point was, "that, upon receiving the letter, he was really so agitated and alarmed, that he did not know what to do." But: was he so alarmed, so agitated? Nothing could well be imagined more collected than his letter to Jacky Gladstone, written at this time. Every body would be struck with the palpable inconsistencies contained in the defence. Mr. Smith had a horse; and some discrepancy in the evidence in respect to that horse had been relied upon as in Mr. Smith's favour; but the only question, on that part of the case, was neither more nor less than whether, at a particular time, the horse was in the yard or in the stable. He said, that, after he had received any information at all, he had not sufficient time to make a communication to a single person before the insurrection actually broke out. But, did he do any thing at all in the way of attempting such a communication? He did not. Shortness of time was nothing to plead: the question was, what he had endeavoured to do in that short time? Though the manager's house was not much more than 100 yards, and Captain M'Tuik not more than 300 rods from

from him, he never communicated the intelligence to the manager. At six o'clock on the day of the revolt he had precise information that at seven the insurrection would break out. And what did he do in consequence? Nothing at all: but take a long walk with his wife. And yet the House was asked to visit with such a measure as that proposed, the gentlemen who had come to an opinion, that Mr. Smith was guilty of suppressing the important knowledge he possessed in this season of revolt and danger. On the Tuesday after the day of the insurrection (the day on which Mr. Smith received Jacky Gladstone's letter, with another from Quamina's son,) Mitchell, a negro, saw Quamina come on the estate of Le Resouvenir, and pass along through the yard to Mr. Smith's. And what took place on Wednesday, the next day? Let the House mark the effect of what was deposed (at page 19 of the proceedings) by the slave called Romeo. Smith had expressed to Romeo, on the Tuesday after the revolt, a desire to see Quamina, observing, "that Quamina was afraid to come and see him now." Quamina did come; and how? Mrs. Smith employed a witness of the name of Antje to send for him. Antje dispatched a boy, named Andrew, to him; and on the Wednesday he came at night to Antje's house, and sent her to Smith's to see if any one was there. Upon going, she saw Mrs. Smith, with whom was a Miss Kitty Stuart, whom Antje carried away with her. After that she saw Quamina go before her into Smith's House; "Mrs. Smith stood at the door, and as Quamina went in she shut the door, and the witness went back to her own house." Such was the way in which Mrs. Smith saw him. Quamina himself was a slave belonging to plantation Success, on which property all the slaves had revolted. This was a material circumstance. A Miss Kitty Stuart, when Antje went into Smith's house at Quamina's request, was there, and had been invited to sleep there all night; she was now, however, desired by Mrs. Smith, Quamina being expected, to go home with Antje; and, after shewing some reluctance, did accompany that witness to her house. The negro child Elizabeth was the only spectatress within doors of this transaction; and Mrs. Smith told her, "that she must not tell any body that uncle Quamina had been in the house; for that if she did, she (Mrs. Smith) would

beat her." The House would not fail to observe the secrecy with which this visit was managed, and all the accompanying circumstances of it. His learned friend, however, had said that there was no evidence whatever for the purpose of proving that Quamina was engaged in the revolt; and the learned member for Knaresborough, pursuing the same line of argument, had read some absurd answer to a question propounded to a slave who was one of the witnesses on this point. There were, however, several witnesses, who all swore, in the most distinct and positive manner, that Quamina was one of the leaders of this insurrection, and was seen with a pistol in his hand busily engaged. Honourable gentlemen on the other side, however, seemed disposed to admit this, conditionally at least; but asked, if all was taken to be true, what proof was there in Smith's harbouring Quamina, that he knew of Quamina's being concerned in this revolt? He answered, that there was strong presumptive proof in these circumstances: 1st, that Quamina was the originator of the insurrection; 2nd, that he belonged to Success plantation, all the slaves upon which, as Smith knew, had revolted; 3rd, that he was introduced into Smith's house in the manner described, because Kitty Cumming, who was a slave on Success when the revolt broke out, was at Smith's when Antje came to his wife, and was sent out of the way, seeing that, had she been allowed to remain, she must have known Quamina. Now, the secrecy with which the matters he had referred to were conducted, and the connexion shewn to have subsisted between the parties, did evidently prove that Mr. Smith knew of the intended revolt of these negro slaves before it took place, and concealed that knowledge from any part of the local government.

He was not pressing these circumstances, however, to prove that Mr. Smith was guilty of all the practices that had been imputed to him before the court; he was only shewing what the nature of the evidence was which had been submitted to that court; and he would now ask the House, whether, upon the facts so submitted to that tribunal, it could be fairly blamed for having found Mr. Smith guilty of misprision of treason? or whether they would concur in the vote of his hon. and learned friend—a vote which went to visit the proceedings of this court with so severe a censure? Sorry as he

was to have detained the House at so great a length, he felt it incumbent upon him to demonstrate the strong grounds on which the parties concerned might reasonably have supposed they were proceeding; and although, on as careful a view as he had been enabled to take of this case, through the medium of the notes of evidence, he considered it very possible that he should not have concurred in their sentence, yet he did in his conscience believe, that the court-martial assembled to decide on the case of Mr. Smith had acted conscientiously, in their endeavours to administer justice impartially between the country on the one side, and the prisoner on the other.

Mr. *Wilberforce* said:—Sir, the course pursued by the learned gentleman who has just sitten down, in his endeavour, I will not say to defend, but to palliate, the decision of the court-martial which condemned the missionary Smith, I cannot but regard as somewhat unfair; and, at least, as very different from that which would have been dictated by the liberal spirit of the judicial proceedings of this country. To do Mr. Smith justice, the learned gentleman should have considered all the circumstances of his situation, and all the particulars of his conduct; whereas he has picked out of the great mass of evidence two or three passages, which, taken by themselves, may produce an unfavourable impression towards Mr. Smith, but to which an abundant answer would have been supplied by other passages, and still more by a general view of Mr. Smith's situation and character, and of the circumstances of the witnesses against him, as well as of their testimony. It should ever be borne in mind, that, from Mr. Smith's entrance into the colony, the public prints were incessantly labouring to render the Christian missionaries, and more especially Mr. Smith himself, the object of the most bitter jealousy and hatred. They were represented as the agents and correspondents of the Anti-Slavery party in this country, who were endeavouring, through them, to excite the most dangerous discontents among the slaves, indifferent to the interest, and even to the personal safety, of the white population. More especially the chief newspaper of the colony, called, if I mistake not, the *Guiana Chronicle*, abounded in these misrepresentations; and as no one undertook the defence of the calumniated individuals, it is not wonderful, that, except in the minds

of a few men of more than ordinary liberality, strong prejudices against the missionaries were insensibly generated, and prevailed throughout the whole community. This newspaper, it must be remembered, was under the influence of government, and might be the rather supposed to speak the language which the governor himself did not disapprove, because, from being himself a planter, he was likely to have contracted the ordinary prejudices of this class of individuals. To a community thus prejudiced, actions and language in themselves indifferent might assume a suspicious character. The learned gentleman, indeed, bringing forward the defence contained in one of the governor's letters, has urged, that it was for the purpose of counteracting these prejudices, that Mr. Smith had been tried by a court-martial, rather than by the ordinary civil tribunal of the colony. But it is an unanswerable argument, to all that can be urged in favour of the trial by martial law, that if Mr. Smith had been tried by the usual civil tribunal, he would have had the benefit of the right of appeal to this country. And what would have been the judgment and feelings of that august body, the privy-council, by which the appeal would have been tried, we may infer from seeing, that there has not been found one single man in this House, or in this country, who has defended the unfair proceedings of the court-martial, although there are some who with difficulty bring themselves to the admission that Mr. Smith's conduct was not altogether blameless, in the single particular of his not having communicated to government the information he had received of an intended insurrection. I should like to have witnessed the indignation and shame with which the worthy counsel would have treated such attempts at evidence as were made before the court-martial, by bringing against Mr. Smith witnesses from their dungeons, in chains, hoping to obtain their own pardon by the testimony they should give against the obnoxious missionary. What would the privy council have said to the indecent production of Mr. Smith's private journal, publicly ransacked, in order to find matter of accusation against him? How would they have sympathized with a passage, which seems to have excited no sort of feeling in the court-martial, that, while he was writing his memoranda, his heart was fluttering at the dreadful sound of the crack of the cart-whip! What indignation,

again, would have been expressed at the attempt to change the religion of the New Testament, and to make it a matter of accusation against the missionary, that he did not teach the slaves that they were at liberty, without breaking the laws of God, to do their ordinary work on the Sunday! Oh no! Smith's enemies were too well aware of the effect of suffering any appeal to be made to a British tribunal; and therefore they adopted the plan of trying the missionary by martial law. But let it not be supposed, that the generally prevailing prejudices against West-Indian reforms were not likely to exist, because Smith was to be tried by a set of military officers. Several of these officers had been long resident in the West Indies; and some of them, I understand, were West-India proprietors; others had offices under the government. But they who, like my hon. friend near me (Mr. W. Smith), were parties to our early proceedings in the cause of the abolition of the Slave-trade, will well remember that there was no class of persons which imbibed the colonial esprit de corps more speedily, or were more completely under its influence, than naval or military men; who, associating with the owners or superintendants of slaves, and when they visited estates seeing every thing in holiday trim, were sure to sympathize rather with the white proprietor than with the negro slave. How well do I remember, that, when the naval and military men, of the highest personal respectability, were examined concerning the state of the West-India slaves, they universally spoke of it as being all that the most exquisite humanity could desire! And this, let it be remembered, when the system contained all its abuses unmitigated, and before any one of those ameliorating laws had passed which, we are assured by the colonial assemblies, have done so much to improve the slaves' condition. One most respectable witness, a friend of my own, and a man of the most amiable dispositions, declared, that so happy were the slaves, that he had often wished himself to be one of the number! And, if this was the case in the instance of witnesses of this high description, who were but for a short time conversant with the colonies, how much more must not similar feelings be expected to prevail in the instance of those of whom Mr. Smith's court-martial was composed; who, in truth, by the proof they have given us, in the production of the journal

of their being entirely destitute of those sympathies which the perusal of it has excited in a British public, have manifested that their West-Indian associations, in a colony in which the anti-reform spirit prevails with peculiar force, have completely changed the feelings with which, I doubt not, they originally entered a West-Indian community. In truth, Smith's judges were utterly incapable of forming an unbiassed judgment of the case on which they had to decide. And let it be remembered, that, although every one who in this House has expressed any disapprobation of Mr. Smith's conduct, has confined it altogether to the crime of misprision; yet that what was imputed to him in Demerara was, that he had been for many years prosecuting a regular plan of corrupting the negroes, with a view of bringing them at the last to rise against their masters and take possession of the colony. Surely nothing but the grossest prejudice could have rendered it possible, for any men in their senses, to impute to Mr. Smith any such design—a design at once of the most detestable wickedness and of the grossest folly. Mr. Smith had maintained through life the character of a truly amiable and good man; and was it to be supposed possible, that such a man could calmly devise, and deliberately, during a course of years, pursue, a plan which he must know would produce universal bloodshed and ruin throughout the whole community? But such a design was no less absurd than it was wicked. Even granting that Mr. Smith had been mad enough to think it possible that the negroes could establish a black community in Demerara, was it possible for any man so to deceive himself, as to conceive that such a community would be allowed to possess the settlement in quiet, or that it could resist the whole force of this country, which would, doubtless, be exerted to recover it? Was it possible that any man, more especially such a reasonable man as Smith appeared to be, could suppose that an unarmed and untrained set of negroes could even obtain the temporary possession of the colony, still less that they could permanently retain it? What was he, then, to get by this wicked enterprise? What possible motive could urge him to attempt it? Yet all this was universally believed of him in Demerara! and the speech in which the evidence was summed up, was really worthy of any grand inquisitor that had

ever exercised his office in that tribunal of oppression and cruelty.

The subject we are now considering is of no small importance, inasmuch as it involves a question of the rights and happiness of a British subject, and, still more, the administration of justice in the West-India colonies. But there is another point of view in which the question is to be regarded, in which it will assume far more importance, and excite a still deeper interest. Let it be remembered, that this House, about a year ago, declared its determination to ameliorate the condition of the slaves in the West Indies; and, more especially, by a course of religious instruction, gradually to prepare them for the safe participation in those civil privileges which are enjoyed by their fellow-subjects in this country. We know but too well, that a contrary spirit prevails very generally in the West Indies. It was not against Mr. Smith only, and the particular body of religionists with which he was connected, that the resentment of the colonial population was pointed; it was against all who were endeavouring, by religious instruction, to raise the condition of that degraded class whom we have taken under our protection. In Demerara, on the late occasion, all the missionaries were at first seized and imprisoned; and all of them, without exception, had been vilified and calumniated for a course of years in the Guiana newspaper. But it was not to Demerara that such an anti-ameliorating spirit is confined. The extraordinary transaction that has lately taken place in Barbadoes, deserves our most serious consideration. At the very time when the prejudices against the methodists had in some places subsided; when those good men had fairly lived them down by their inoffensive and meritorious conduct; in that very settlement of Barbadoes, in which the proportion of the whites to the blacks is the largest, and which has been supposed to bear the strongest resemblance to an English community, a chapel, lately erected at the expense of several thousand pounds, was utterly destroyed—not by a sudden impulse of fury, but after a regular notice, and by a preconcerted collection of people—not by what is commonly termed a “mob,” the lower orders of the community, but, as was boasted, by men of superior rank and property—not at one heat, but after they were wearied by their first day’s work, returning again the next day to complete the demolition of

the building, of which every trace was swept away, and to drive the missionary himself out of the colony. In fact, the rage against him was such, that, had he not been concealed from the fury of his enemies, and been able to escape out of the island, his life could not possibly have been saved. It ought not to be left unstated, that, when the governor of the island, after conniving at this outrage at the time, and slumbering over it afterwards, did at length issue a proclamation, offering a reward for the discovery and apprehension of the perpetrators of this outrage—will this House believe it?—the governor’s proclamation was met by a counter-proclamation, posted in all the streets, denouncing the vengeance of the colony against all who should dare to attempt to bring the destroyers of the chapel to punishment; but reminding the public, that they had their cause in their own hands; intimating, that, as they were to be jury, no one should ever be found guilty on account of so meritorious a transaction.

A similar anti-negro spirit has lately also appeared in the island of Jamaica, though of a somewhat different kind, yet equally arising out of that abhorrence of the doctrine that black men are to be considered as entitled to the rank and consideration of whites, which, in fact, is the basis, or rather the vital spirit, of the colonial system. This spirit has been powerfully called forth in our colonies by the Resolutions of this House to meliorate the condition of the slaves; and the decision we form on the present question will be regarded as the test of our disposition to adhere to our determination, or of our being inclined to connive at the determination which prevails so generally throughout the colonies, to resist the reformation of the system. In Demerara, it was meant, by Mr. Smith’s condemnation, to deter other missionaries from attempting the conversion of the slaves, and, by the terrors of his example, to frighten away those whose Christian zeal might otherwise prompt them to devote themselves to the service of this long injured body of their fellow-creatures. We ourselves, therefore, are upon our trial, and by our decision on the present question men will judge of the leanings of our opinion, whether, from the influence of the West-Indian proprietors in this country, and even in this House, we are not in some measure under the influence of the same

prejudices which prevail in all their force in the colonies of Guiana.

But, to return to the case of Mr. Smith. Though his defence was on the whole able, and conceived in the manly spirit of a British subject, yet there were some points which he himself did not press with sufficient force. As an instance of this, let me refer to one particular, which, was clearly established on the trial—that, a fortnight before the rising of the negroes, Mr. Smith had declared himself willing to inform the slaves from the pulpit, that they were mistaken in the notion they had formed, that orders for their emancipation had come out from the government at home. Is it not undeniable that this fact was utterly inconsistent with the idea of his having any concern in exciting the insurrection? But, in truth, the testimony in Mr. Smith's favour of the rev. Mr. Austin, is decisive. He declared, that none of the slaves had mentioned Mr. Smith's name, when they were questioned concerning the instigators and fomentors of their revolt. Indeed, Mr. Austin's testimony to Mr. Smith's character, highly honourable as it is to the missionary (for he declared that Mr. Smith had discharged his important duties in a manner that entitled him to the general esteem of mankind, and to the gratitude of the poor objects of his kindness), reflects even still greater honour on himself. He declared, that he originally had entertained suspicions, that Mr. Smith was in some degree a party to the insurrection, but these were afterwards overborne by the most satisfactory evidence; and, with the genuine spirit of a British subject, and the humanity of a true Christian, he boldly avowed his conviction of Mr. Smith's innocence; though he knew but too well, as the event indeed proved, that he was thereby blasting any views of preferment he might justly have entertained, and that he must subject himself to the universal hatred and indignation of the colony.

The utmost, however, that has been imputed to Mr. Smith, by any member of this assembly, is, that he ought to have informed the government of the criminal intentions of the slaves. But, in fact, it appeared in the evidence that he knew no more of those intentions than various other persons in the colony, some of them connected even with the government itself. And what, in fact, did he know? Not that there was to be any thing that deser-

ved the name of an insurrection—merely that there prevailed a discontent among the slaves, just as it had prevailed on former occasions. But Mr. Smith had before experienced such a want of candour and liberality when he did make communications to government, that he had but too much reason to apprehend, that any thing he might state to them would be unfairly used, and would be turned to the purpose of pointing the resentment against the religious slaves, and also of making him appear as their enemy and their betrayer.

But it is said, and I am more afraid of the effect of this consideration than of any other argument that can be adduced, that if we accede to the motion of my learned friend, we shall be passing a censure upon a set of British officers, whose conduct we ought to regard with liberality and indulgence. But it is not we who have placed the members of the court-martial in the situation which they occupy, it is they themselves on whom it is chargeable, or governor Murray, who adopted that course of proceeding. We are, in fact, placed in a dilemma; and the question is, whether we should leave a much-injured man labouring under a stigma most unjustly endeavoured to be affixed upon his character, or whether we should express that sense of the proceedings and conduct of the court-martial which justice most powerfully exacts from us. I shall indeed regret—it will indeed be a matter of deep condemnation to us from our countrymen—if we can suffer such proceedings as those on which we are now called upon to pronounce our sentence, to pass, without expressing our strong and decided reprobation of them. The protracted sufferings of that much-injured man were such as one would have supposed likely to call forth pity from the hardest hearts. For a man labouring under a disease which was gradually wearing away his strength, and rapidly bringing him to the grave, to be kept in close confinement, in a tropical climate, in a small room, debarred from the common comforts of prisoners, called upon every two hours, sometimes when he was asleep, to ascertain, as it was pretended, whether he had not made his escape, was such wanton and unnecessary cruelty as cannot be too strongly condemned. It really reminds me of the barbarities exercised on another poor victim of cruelty, the Dauphin of France, whose sufferings have drawn forth

such deep commiseration. Let us not, then, be contented, as some respectable authorities appear to be, with expressing our sentiments on the shameful proceedings of the court-martial in a fugitive sentence which will possess no authority, and will be soon forgotten. Let us not be satisfied with coldly expressing, as our individual opinions in our speeches, that there were circumstances in the trial which are to be regretted; but let us do justice to the character of a deeply-injured man, by solemnly recording our judgment in the language proposed by the motion of my learned friend. Let us thereby manifest our determination to shield the meritorious, but unprotected missionary, from the malice of his prejudiced oppressors, however bigoted and powerful. Let us shew the sense we entertain of the value of such services, and prove, that, whatever may be the principles and feelings which habitual familiarity with the administration of a system of slavery may produce in the colonies, we in this House at least have the disposition and judgment and feelings which justice and humanity, and the spirit of the British constitution, ensure from the members of the House of Commons.

Mr. Secretary Canning said:—

Whatever difference of opinion may prevail with respect to the vote to which the House ought to come on this occasion, and whatever shades of difference there may be, even among those who may concur in the same vote, there is one point on which I think the opinion of all who hear me will agree,—and that is, that the question of this night is one of the most painful that ever was discussed within these walls. Indeed, Sir, I scarcely recollect any one question upon which I could say, what I feel that I must say upon this—that there is no part of it on which I can look with the smallest satisfaction. To many of the principles which have been enforced in this debate with so much eloquence, I am disposed to give my hearty assent. But I entirely differ from my hon. friend who spoke last, as to one part of his speech, although I admit that, generally speaking, my hon. friend has put the question on a fair issue. I allude to the assertion, that the House is placed in the dilemma of being obliged either to contend, on the one hand, for the perfectness and propriety of every part of the proceedings of the court-martial, or, on the other hand, to be prepared to assign to the unfortunate

gentleman who was the object of these proceedings the title or the honours of a martyr. I, Sir, am not prepared for either of these extravagant extremes; and I do hope to be able to satisfy the House, that they will best discharge their duty to all parties concerned in this transaction—to themselves and to the country—by abstaining from pronouncing any such exaggerated opinions. Sir, it may be a very skilful and masterly artifice of debate, to endeavour to throw upon those who do not agree to the resolution proposed by the hon. and learned gentleman the task of proceeding step by step through every stage of this protracted, anomalous, and difficult proceeding; and of explaining step by step as they go on, the grounds which justify them in dissenting from that resolution. For my own part I do not hold myself bound to do any thing of the kind. In dissenting from the resolution of the learned member for Winchelsea, I shall be solicitous only to justify that dissent on grounds which appear to me to be perfectly sound and satisfactory, without necessarily identifying my opinions with those of the persons by whom Mr. Smith was tried, or maintaining in all its parts the sentence by which Mr. Smith was condemned.

Sir, the charges which are brought against the proceedings of the court martial seem to resolve themselves into three principle heads—first, the impropriety of the tribunal; secondly, the incorrectness of its mode of acting; and, thirdly, the violence of the sentence;—all which charges are aggravated by the assumption throughout, that Mr. Smith was entirely innocent. Sir, it has been stated, that no man can dissent from the hon. and learned gentleman's resolution, who is not prepared to maintain the guilt of Mr. Smith to the utmost extent to which that guilt has been assigned. Here I am again compelled to declare myself of a different opinion; and, without wearying the House by repeated reference to the particulars of the evidence (which has already been discussed with so much ability, as to have impressed on every man, who has gone through the duty of previously reading it, a complete analysis of all its parts and all its bearings) I have no difficulty in stating the honest persuasion of my own mind to be this, that of that crime call it by what name you will, which consists in the silence of Mr. Smith upon the subject of those alarming movements

which he knew to be in agitation, and a danger which he knew to be imminent, I cannot acquit Mr. Smith. I state this persuasion, however, with no circumstances of aggravation, with no imputation of design on the part of Mr. Smith, with no presumption that I can dive into the motives of that individual. But as to the fact, after the most painful examination, I feel individually, upon my honour and my conscience, a persuasion that Mr. Smith did know that, which, if he knew its character, he ought to have divulged, and of which, if he had had only common discretion, the character must have been apparent to him! [hear, hear.]

Now, Sir, whether the law of Demerara, as derived from its Dutch constitution; whether the law of courts-martial, as sitting under the Mutiny act; whether martial law in its larger sense; assigned to that crime, under the peculiar circumstances of the case, that punishment which by the sentence of the court-martial was awarded to it, is a question on which, from my own sources of learning and information, I do not pretend to decide. But when the House are called upon to inculcate the court-martial of murder (for that is the effect of the proposition before us), the questions that I am to ask myself are "Did the court-martial believe that they were acting legally in passing that sentence? and were they borne out by authority in doing so?"

I will add, that I should have a very different task to undertake, and I should stand up in this House with a much heavier feeling of responsibility, if I were defending, or called upon to defend, a confirmation of that sentence; because I should then have to defend an act of the executive government, of which I form a part, adopting that sentence as their own; in which case I should be bound to shew, and to prove, that the sentence was in every part legal. From the authorities that have been cited, I do believe the sentence to have been legal; but, under all the circumstances under which it was passed, it was felt by his majesty's government, as is I believe already well known to the individual members of the House (but it is fit that it should be distinctly stated in this debate), that the sentence should not be carried into execution. Upon this point there was not a dissentient voice, nor a moment's hesitation in his majesty's government. I stand here, therefore, not to defend the

moral propriety of passing and executing that sentence, but only to vindicate the vote which, as a member of parliament, I shall give, for not condemning unheard the tribunal by whom that sentence was pronounced.

Sir, another circumstance, which appears not to have been stated in this debate, but which seems to be a very material one, is this: that, in pronouncing that sentence, the tribunal itself pronounced it in a way to afford the prisoner that only benefit, belonging to the law of Demerara, which my honourable friend has said that he would have enjoyed if tried by that law (but a benefit which would have been counterbalanced by many disadvantages of that mode of trial)—I mean, the advantage of appeal: for with the sentence was coupled the recommendation to mercy; a recommendation which in this case was not, as it often is, formal, and liable to be ineffectual, but which, as those who coupled the recommendation with the sentence must have known, carried with it its own execution. They knew it to be utterly impossible that a sentence of death, pronounced at Demerara under martial law, could be remitted to the king in council sitting here, not under martial law, but in the free light and liberty of this country—they knew, I say, that it was impossible that a sentence of death so remitted home with a recommendation of mercy, should be otherwise than completely null.

Now, Sir, it is no fault of mine, that at the period at which we are now called upon—not to institute inquiry, not to demand new lights, but to pronounce a sweeping condemnation under the circumstances as they appear before us—it is no fault of mine, that I am obliged to resort to conjecture, as to the considerations which may have prompted the severer rather than a more mitigated sentence. It undoubtedly occurs to many men to ask, why, if the sentence of death was to be coupled with a recommendation to mercy, the court-martial did not rather, in the first instance, apply some lenient sentence, which might have been executed without shocking the feelings of any portion of mankind?—why not transport from the colony?—why not inflict a lesser degree of punishment, by imprisonment? Why, Sir, the reason, I can conceive—I do not say it is so—but the reason may be this: because any minor sentence, be it what it might, transportation or impri-

sonment, must have been carried into immediate effect, without any pretence for appealing to the government at home. The capital sentence, with the recommendation of mercy annexed to it, while it appeased (for I do not deny that a great deal of irritation did exist in the colony)—while it appeased, I say, the inflamed passions of the colonists, in effect preserved the victim from the fate to which it appeared to consign him.

But, was it only on the knowledge of the sentence itself that the feelings of his majesty's government were awakened to the state of that colony, and as to the possible consequences of a judicial proceeding there? No, Sir! My hon. friend must, I think, have known, and I dare say remembers, that, at the period when the first news arrived in this country of the arrest of Mr. Smith, and of his probable destination for trial, application was made to his majesty's government to rescue him from the tribunals of a country where the minds of the population were inflamed against him, and to bring him home for trial. I do not know whether my hon. friend is aware, that the immediate consequence of that application was, an order from the secretary of state, to direct, that, if the proceedings were not already begun, Mr. Smith should be sent home, unless the attempt to do so were likely to endanger the peace of the colony. We were not then aware, Sir, what the circumstances of the case might be—the charges were not then before us. Unluckily, the order did not arrive in time—the proceedings had already been carried to a conclusion—but, still, the order itself shewed the disposition of the government here; and it operated, when known there, as an additional inducement to the colonial government to take Mr. Smith, as far as possible, out of the reach of the local prejudices against him.

But the character of the tribunal is not to be inferred from that of the colony. Their fault, if they be in fault, is the fault of a competent tribunal; with respect to whom there is not the slightest ground for presuming partiality *à priori*. What reason is there, then, why the House of Commons should do that in this case, which, with respect to the most ordinary magistrate, the highest legal tribunal in this country would not do—namely, condemn as criminal an act of competent jurisdiction, where malice or corruption is not imputed? Now, Sir, surely gentlemen

must know, and especially the hon. and learned gentleman who spoke last but one on that side of the House, that the more they press the fact, that the colony was inflamed against Mr. Smith, and that it was utterly impossible that by a colonial tribunal he should have been judged fairly—the more they press that argument, the more ought they to agree with me, that the governor did his best to counteract the effect of that exasperation, and to ensure to the prisoner a fair trial, when he withdrew him from that colonial jurisdiction which, by your own shewing, must have been unfair as against him, and gave him over for judgment to a tribunal composed at least of unprejudiced men—of men untainted with colonial prejudice—and with respect to whom no man suggests that there was any personal disposition to do injustice. Taking this view of the case, how, let me ask, would the resolution before the House operate? Would it be calculated to restore that feeling which it is so desirable should exist in the colony? I think not. What consequences can my hon. friend apprehend from the forbearance of the House to pronounce the severe censure proposed by the hon. and learned gentleman? If I for one moment conceived, that by passing by this sentence on the present occasion a feeling would be excited in the minds of the inhabitants of any of our West-India colonies, that either parliament or government were desirous of going back from the promises they had made, that religious instruction should be the basis of all the future improvement of slaves—if it could be imagined that they could be likely to adopt some of the opinions expressed in resolutions passed in that colony—I do not say, Sir, that I should be contented to purchase the exemption from that danger by committing an act of injustice, such as in my conscience I think the condemnation of the court-martial would be; but there is scarcely any resolution to which I would not give my assent, rather than submit to be so misconstrued. But I assure my hon. friend, that I believe it to be impossible that the opinion either of the government or of parliament should be so misconstrued. The opinion of parliament may be gathered as well from what passes in this debate, as from any recorded resolution. The colonists cannot be mistaken, they are not mistaken, with respect to the opinion of the government. We know that by the surest of all tests;

we know it by the hostile animadversions which are heaped upon us by the resolutions of that colony, first, for having attempted to withdraw Mr. Smith (as they say) from justice; secondly, for not allowing the sentence to be executed; and, thirdly, for being disposed to press new instruments of instruction on their acceptance. They well know, that the not condemning, that the passing by without any condemnation, the proceedings of this court-martial, the coming to no resolution upon it, has nothing in common with any disposition to recede from the pledges which have been given, or to retract the opinions which have been declared.

Sir, my hon. friend has stated another instance which he thinks might come in aid of the apprehension which he entertains—I mean, the destruction of the chapel and the expulsion of the missionary from Barbadoes. But my hon. friend surely ought to have completed the picture: it would have been more candid—and I am sure it was only from forgetfulness, and not from want of candour, that he omitted—to add, that that missionary, so expelled by a tumult from Barbadoes, found shelter in a neighbouring island—in the island of St. Vincent—where he founded a new establishment. As to Demerara, my conviction is, that the notice which this case has attracted, and for which I think the hon. and learned gentleman is entitled to our thanks—I think the notice this case has attracted, and the mode in which it has been treated in this House, cannot fail to show the colony of Demerara, that, whatever may have been the guilt or imprudence of any one individual, and however desirous they may be to put down religious instruction (and if such was their design, they have been, to a certain degree, lucky in the selection of their first victim), that in the person of that individual, the spirit of religious instruction is not extinguished; and that the colony would find enough to be convinced that theirs was not a triumph over this individual as a missionary; and that many such triumphs (if triumphs they should be called) would only hasten the final triumph over all attempts to shut out instruction.

I therefore think need, Sir, that the House not entertain any apprehension of any practical mischief from adopting the motion with which I shall take the liberty to conclude—a motion, the object of which is only to avoid a decision to which I think we can-

not come without injustice. The motion which I shall propose to the House, is the “previous question;”—a proceeding which will not give to the colony of Demerara any ground for supposing that there is any disposition at home to approve in detail what has been done in the colony; but which shall, at the same time, rescue from injustice men who have acted as conscientiously, perhaps, as we could have done ourselves, in the discharge of a most painful duty—a duty not sought for by them for the purposes of vengeance, or from a spirit of hostility, but cast upon them for the express purpose of rescuing this man—(this innocent man, as is contended on one side; but this man whom I in my conscience believe to have been guilty, though I will not undertake to define his crime)—of rescuing him from a tribunal in which he would have been heard with prejudice and judged with the extremest severity.

Sir, I am unwilling to dwell on any other parts of the question besides those which I have touched upon; but I must shortly say, that the points of charge against Mr. Smith, which I think it impossible to get over, are these: his knowledge that something was in agitation—a something, the knowledge of which went back beyond the 18th of August, though it was not till that day that he clearly comprehended the exact nature of it. He admits, that the receipt of the letter, on the 18th of August, withdrew the veil from his eyes. I feel as strongly as any man the sentiment of (what shall I call it?) disgust, at the publication of the details of Mr. Smith’s journal; and, if I were trying Mr. Smith I hope I should dismiss them entirely from my mind; but the question that I am now trying is, whether there was that degree of innocence in Mr. Smith which calls upon me to condemn his judges; and, in that view of the question, I cannot throw out of my mind the moral conviction which the knowledge of Mr. Smith’s feelings and opinions however obtained, is calculated to produce. It is clear that he did generally apprehend some convulsion in the colony—an apprehension perhaps not distinct either as to mode or as to time; but he was of opinion, that there were not only the elements of convulsion, but strong probabilities of their explosion. And why do I state this circumstance? Why, Sir, because, to a mind so prepared, it was almost impossible that such information as

Mr. Smith received could have appeared so undeserving of attention as he represents himself to have considered it. If I had known—if it had been apparent, from the disclosure of his journal, or from any other source—that Mr. Smith was a man living in perfect unconsciousness of any danger; in a state of mind completely unapprehensive of any thing likely to lead to tumult or confusion; and that, whilst in this unsuspecting temper, some facts of an equivocal nature had come to his knowledge; I might, in that case, have believed it possible that a man so totally unprepared might disregard such circumstances altogether. But when, by his own confession, his mind was in habitual expectation of some such event as did actually occur, it appears to me, I own, that not only it is not in human nature that information such as he received should excite no suspicion; but that, on the contrary, in a mind so prepared, “trifles light as air” would have excited suspicion, even without a cause. I find Mr. Smith’s mind previously impressed with a general dread of some undefined danger: while he is under that impression, there comes to him a specific communication of at least an equivocal character; and this communication, he avers, awakens in him no particular apprehension. Sir, I cannot believe it. Mr. Smith admits that the letter of the 18th of August led back his awakened judgment upon the communication previously made to him, and shewed to him its true nature. And what does he do with that letter? He tears it into pieces, and holds his tongue as to its contents! Why, Sir, I cannot think that this is the act of an entirely innocent man. Is it not rather the act of a man conscious of guilt and apprehensive of personal danger? Here, Sir, I am aware of the technical objection that nothing ought to have been brought against him on the trial which had occurred before the proclamation of the governor. I admit, that, if I were now trying Mr. Smith, I would try him by the strict rules of evidence, and give him the benefit of every technical objection; but the question before me now is, whether the conduct of the court-martial was such as could only have arisen from malicious motives; and if, in my own mind, I am conscientiously convinced that the *corpus delicti* was there, I cannot join in condemning the court-martial, even although in their place I might not have come to their conclusion. I would not have taken advantage of a

knowledge of Mr. Smith’s secret thoughts to convict him; but, in reviewing historically the question whether he was wrongfully, as well as perhaps irregularly, found guilty, I cannot shut my eyes to that evidence. Why, good God! that a man habitually expecting some commotion could receive without alarm the communication that a “push” was to be made! (such, I think, was the expression): is that credible? Was it to be believed of Mr. Smith that, as Mirabeau said of the planters in St. Domingo, “They sleep on the verge of a volcano, and the first sparks that burst from it give them no alarm?” Mr. Smith was well aware that he was sleeping on the verge of a volcano; the first sparks could not be invisible to him; and yet it was not till the explosion took place that he conceived the smallest apprehension! Do I therefore impute to Mr. Smith, either the wickedness or the folly of promoting or conniving at insurrection, with a view to any personal ambition of his own? Oh no, Sir; no! I will not impute to him any other motive for concealment, than that sentiment which is common to all men more or less, and which, perhaps, belongs to refined and sensitive natures more than to any others—an unwillingness to betray—a horror of the name of “informer.” But, while I morally make this excuse for him, it was surely no excuse before a court-martial, or any legal tribunal. Military law, or any other law which takes the safety of communities under its protection, is not at liberty to indulge those finer feelings. Who is there, who, in reading the scene between Pierre and Jaffier, after the council is over in which they had planned the shedding of so much of their fellow-citizens’ blood—who is there, who, after hearing the vows of fidelity interchanged, does not feel an involuntary contempt for Jaffier, when he gives information of their plot, even though so many lives were to be saved by that act of the informer? However one may rejoice at the consequence of the information, one will detest the informer. But although such may be the code of honour in poetry, and such the colouring of sentimental enthusiasm, such is not the doctrine of morality, nor can such be the practice of ordinary life. We cannot, in administering justice, and in consulting the safety of the community, soften down the language of the law, and call misprision delicacy, and concealment an honourable fidelity! If the state is to be saved, it must be rather

by the practice of duties, harsh though those duties may be, than by the indulgence of romantic generosity. To betray a friend in betraying the plot, may be a hard struggle; but if, by faithfulness to that friend, you ruin your country, your country will vindicate its right, and your life may be the forfeit of your friendship! Such, I say, is the language of law and justice, and such the duties of allegiance to a state. Mr. Smith must, in this whole question, be considered as a subject of the colony in which he lived. Giving him, therefore, every credit for unwillingness to bring to punishment those who had eaten his bread and crowded around his threshold, and perhaps for a little of human vanity, in not liking that examples of misconduct should be detected in his own particular congregation—making every allowance for these feelings, laudable perhaps on one side, and natural on the other. I cannot forget, that Mr. Smith was a subject of that colony, and owed allegiance to its government; and if he was conscious as conscious in my opinion he must have been, of a danger threatening its peace, it was his duty to give information at whatever cost that information might be given. But, Sir, was it necessary, in giving that information, that he should bring down punishment on the slaves? I say, no: he might have stated to the magistrates of the place, that which he confided to his own journal—that he had a general apprehension of danger: and that circumstances had lately come to his knowledge which made him believe that danger to be at hand. Nay might he not have stipulated for the safety of those whom his intelligence involved? Did that never occur to him? Did it never occur to him, when he was called on under military law, and refused to serve, partly on the mistaken ground of his profession, and partly on the ground of his weakness—did it never occur to him that, there was another way in which he could have discharged his duty to the colony? Did it never occur to him, that, having gained over his congregation a holy and just influence (to which he it admitted that his doctrines and his life might entitle him), he might have said, to those who called on him to “arm,” “No; it is not with arms like those that I can serve you; but I have spiritual arms, of brighter temper and greater force; send me into the field amidst this tumultuous congregation, and I answer for it, that they shall return,

through a sense of religion, to their duty.” If Mr. Smith were the excellent person that he is represented, such is the influence that he might naturally have possessed, and such is the use which he would naturally have made of it. He did not do this: he withheld information; he passed, on the day before the insurrection, by the door of the governor twice, in going from his own house and in returning to it; he passed, and he paused not a moment to warn the governor of the impending danger.

Sir, I enter not into his motives. I lament many parts of his trial, and most deeply do I deplore his fate; but I do not see, in the proceedings that have been had against him, either, on the one hand, that entire exculpation which entitles Mr. Smith to the glory of martyrdom, or that proof of *malus animus*, on the part of his judges, which ought to subject them to such a sentence as the resolutions proposed to us imply. I think, Sir, that the House will best discharge its duty by taking no further cognisance of the question, on which it is utterly impossible to come to a completely satisfactory judgment. And I propose this mode of disposing of the question with the more confidence, as I am satisfied, that the discussion itself will have answered every now-attainable purpose of public justice; and that we cannot be misinterpreted, as intending by our vote to shew any lukewarmness in the cause of the improvement of our fellow creatures, or in our belief that religion is the instrument by which that improvement is to be effected [loud cheers].

Mr. Denman assured the House, that the difficulty which he felt in expressing himself, in a manner adequate to his own feelings, was aggravated at this moment by following a speech so eloquent as that of the right hon. gentleman, and so full of statesman-like views, though leading, he thought, in the end, to a conclusion condemnatory of themselves. It seemed, indeed, extraordinary, that after the sentence of the court-martial had been given up as indefensible by every one who had spoken on the question; that, after the right hon. secretary had, as the climax, stated that the sentence had been annulled by the government; the House of Commons alone was to be prevented from expressing its disapprobation of it. But if, in point of fact, the sentence had not, up to this moment, remained unannulled, his learned friend (Mr. Brougham) would not have

made that powerful statement, by which he had carried home conviction to all those who heard him. But when the sentence, in point of fact, was unannulled; when the sentence, that he be hanged by the neck, had remained upon the unhappy man till he died; when the government had adopted the sentence, and only complimented the decision of the court by adopting its recommendation, and banishing him for ever from the colony in which he had done no wrong; it became the House of Commons to step in, and condemn the policy under which these monstrous proceedings had been carried on. The government had thus acted a very inconsistent part. Indeed, it was curious to observe the inconsistencies to which the opposers of the motion were driven. The right hon. gentleman, at the time that he professed to make allowance for that delicacy of feeling, in the case of Mr. Smith, which made him unwilling to become an informer, had, at the same time, endeavoured to make it almost a legal crime, that he had not gone forth between the contending parties, and had not exposed his breast to the cutlasses of the negro and the tender mercies of the government of Demerara. Was it probable that he could have escaped the double danger; or that he might not have fallen under that torture, which was allowed by that civil law under which to-night, for the first time, an attempt had been made to palliate the truly-called anomalous proceedings of the court-martial?—As to these proceedings, he did not wish to go further in their condemnation than the defender of them, his learned friend (Mr. Scarlett) had done, who only condemned them in the beginning, the middle, and the end [hear hear]. He only wished that those who went along with him in that opinion should come to a resolution expressive of it, and thus give his majesty's government the authority with which it would invest them. The right hon. gentleman had said, that he would not enter into the minutiae of the law of the court-martial. If this were a question of niceties and minutiae, he (Mr. D.) should be very unwilling to enter into it. If it were even like the case of an officer acting upon an informal warrant, which was conscientiously believed to be valid, he should be most unwilling to animadvert on the court-martial. But this was a case in which, not the minutiae, but the substance, of law had been departed

from; and in which its forms had been perverted to injustice, for the purpose of putting to death an innocent man. He did not complain of the first proclamation of martial-law; but why, after it had been proclaimed on the 20th of August, was it continued, without a shadow of cause, to the end of the trial on the 20th November, and to the month of January following? But it was said, that, if the prisoner had not been tried by martial law, he must have been tried by the civil law, and that his judges would have been, in fact, the president, and eight commissaries, probably planters, from whom the government wished to protect him. He would have been tried, it was true, by the judge and eight commissaries—not necessarily planters, but any residents, the judge directing them, and acting under his responsibility, and in his character as a judge. Could it be said, that there was no difference between the security against a judge so acting, and a judge voluntarily throwing off his judicial character, and associating himself as a member of a court-martial, among persons over whom he had no control? In the civil court they had a fixed standard of right and wrong; in the trial by court-martial there was a much wider discretion. If this were a disadvantage even to a soldier, how much more to a man situated as Mr. Smith was? A soldier tried by a court-martial was tried by his peers; and in the members of such a court there was naturally a strong feeling of the members towards the prisoner, as one of their own profession, whom they regarded kindly, perhaps from intimacy, and whom they were led, on the principle of honour, to protect. The accused soldier, therefore, looked with confidence to his judges. But, how different was the case of the destitute missionary—an outcast; against whom all prejudices were running high; and who, from the beginning, had been stigmatized as the author of the revolt, which he (Mr. D.) verily believed he had from the beginning endeavoured to prevent; and who was alike ignorant of his judges and of the forms of their court? How many were the safeguards for the prisoner under the civil law! In the first place, it was necessary to petition the governor for liberty to arrest the accused, which he might refuse, and bail him, if he chose. The proceedings then commenced on the part of the prosecution, and the evidence was taken (it was true, in writing) but at

least as accurately as these oral depositions seemed to have been taken. Then the charge was drawn up on the demand of the Fiscal; and from this period forward, he could affirm, though the contrary had been alleged, the prisoner was allowed counsel. Then the evidence was gone through, and the president and court decided what evidence should be admitted, and what rejected. Now, he took the liberty to ask this question. Was it possible, if this court had formally and responsibly exercised this judgment, as to what evidence should be admitted and what rejected, that the journal of Mr. Smith should have been produced against him; or, what was more monstrous, that particular passages should have been admitted, to the exclusion of all the rest? After all these advantages in favour of the prisoner, there then followed the public discussion of all the evidence; and, finally, supposing the party was convicted, there was an appeal on the whole case to the king in council [hear].

It was said, an appeal had been made to the government; but this was not an appeal to the king in council, but an appeal to the mercy of the governor of Demerara; and, considering the temper of the colony, it would not have been wonderful if the punishment had been inflicted on this innocent and injured man. He had happened to read the evidence some time ago, when he had seen nothing on the subject except insinuations against Mr. Smith, and had heard none of the statements more recently made in his favour. He (Mr. D.) was no fanatic; he subscribed to no missionary society; and he had no other feeling on the subject than that it would be wise to let West-Indian questions alone for the present, if the people of Demerara would let them. Yet, with all these feelings, he had read the evidence with utter astonishment; he had looked page after page for the proofs of Mr. Smith's guilt, and he found none; and, looking fairly and honestly at the whole case, he thought this man had been most foully and unjustly treated, nay, that the very circumstances brought forward in proof of his guilt proved his innocence. Even the suppression of parts of his journal on the trial went to prove it. In his own mind, he could find nothing against Mr. Smith but an anxious desire to prevent the mischief, and too much confidence, perhaps, in the power of doing so. The right hon. gentleman had said, that

Smith had slept on the verge of the volcano, and had given no alarm of the first sparks which indicated its eruption. The illustration would be perfect if the fact were true. But the fact was, that he had given an intimation as distinct as his own knowledge of the subject. He did communicate to those in authority, the attorney and manager of Success, all he knew. He stated, from his imperfect knowledge, the discontent of the slaves, in consequence of the non-publication of lord Bathurst's letter. The neglect, therefore, lay with those by whom that information had been held back. There was surely much difference between a combination for striking work, which he might have anticipated, and which might lead to riot, and perhaps assaults on particular persons—there was a great difference between this and treason. If a man were to suspect, or even to know, that a combination of workmen was to take place, with a view to a strike, in England, in consequence of the non-publication or non-fulfilment of some regulation relative to wages, could the concealment of that knowledge be called misprision of treason? He contended that it could not, even though the combination might afterwards be attended with fatal consequences.

The learned gentleman here entered into an examination of several parts of the evidence, and contended, that it was not of sufficient weight to convict Mr. Smith of any of the crimes of which he was accused. The whole tendency of it went rather to shew, that, as far as he had any reason to suspect the intentions of any of the slaves to be bad, he had endeavoured to dissuade them from any rash attempt, by pointing out its dreadful consequences. Two wretched men, Baily and Aves, were brought to say, that he had told them that he had known six weeks before that something must happen, and this was construed into positive knowledge of the plot! What motive, indeed, could Mr. Smith have had to engage in such a plot? The poor miserable men who were under sentence of death knowing that a missionary would be an acceptable sacrifice, forged one story upon another against him, but none of them made out any guilt; and, when about to be executed, they all retracted their accusations as false, and groundless.—It appeared to him that there never had been a more gross perversion of evidence than this case exhibited. Much had been said of hearsay evidence, but

he was one of those who was very glad that it had been received, for it was impossible for any man to have gone through that hearsay examination and say that Smith had acted wrong. The right hon. gentleman had asked, whether they supposed the court-martial had not thought they were justified by authorities in the course they had pursued? He should like to know what were those authorities. But of this he was quite certain, that there was no authority to shew that martial law could have properly existed in the colony at the time of Smith's trial. An attempt had been made to excuse the proceedings against Mr. Smith, on the ground that the white population of Demerara was in a state of great agitation. But, why were courts of law established in the colonies, except for the purpose of allaying those angry feelings which might pervert the course of justice? The justification of this proceeding which had been set up, appeared to him to be its condemnation; but it was quite enough to shew, that the sentence was indefensible, and the evidence open to reproof. And that it was a case loudly demanding inquiry, was abundantly proved by the parties themselves. It was idle to say that the House was not in a condition to express an opinion. For what other purpose were the papers laid on the table? Here the parties themselves had made the returns. He denied altogether that the resolution charged murder; if he could learn the terms in which his learned friend (Mr. Scarlett) would express his opinion, he was ready to adopt them. In no instance, with which he was acquainted, had such hard measure been dealt out to any man as to the memory of the unfortunate Smith. And how was even the means of this defamation procured? Why, out of the defence of Smith himself on his trial. Nothing was ever heard like it. All they had in the way of evidence was, that he had listened to a conversation; and then they gave credit to his testimony up to the very point which could betray him into danger, and after that he was to be disbelieved [hear, hear!]. He was not aware of any instance besides this, in which the admission of a prisoner was taken, up to a certain point, in confirmation of other circumstances which had not been proved in evidence. But, in all this there was involved a much higher principle—he meant with respect to the government of the colonies themselves. In passing over the case, they

would hold out a general proclamation of impunity to all abuses abroad; and it would be only necessary hereafter to find out a good case of abuse, in order to load it with panegyric. He should give his cordial support to the motion.

Sir *Joseph Yorke* said, that the learned doctor (*Lushington*), had advised every member of the House to read over the evidence on the trial of Mr. Smith before he gave his vote. He had read the evidence, and he declared conscientiously, that he saw no reason for finding Mr. Smith guilty of the crime with which he was charged. If he had been a petty-juryman, he would have acquitted Mr. Smith upon the evidence. A whole lunar month had been consumed by the court-martial in finding him guilty. On this subject he remembered a circumstance which took place in the early part of the revolutionary war. The present lord chancellor, then attorney general, had spoken for nine hours, to make out his charge of treason against Messrs. Tooke and Hardy. A witty friend observed to him at the time, that if such a sharp, shrewd chap as the attorney general, found it necessary to speak at such length, in order to substantiate his charge against the prisoners, they were sure to be acquitted. He could not help thinking, that the long period which Mr. Smith's trial occupied, proved the weakness of the case against him. The speech of the right hon. secretary for foreign affairs had not satisfied his mind: it was a mere brilliant apology, and not a defence of the proceedings against Mr. Smith. He thought that that most bloody record ought to be blotted out; and, under that impression, he would vote with great pleasure for the motion.

Mr. Brougham, in reply, said:—

I do assure the House, that I feel great regret at having to address them again so late in the night; but, considering the importance of the case, I cannot be satisfied to let it rest where it is, without trespassing upon their patience for a short time: indeed, that I rise at all is chiefly in consequence of the somewhat new shape into which the proposition of the right hon. secretary has thrown the question. For, Sir, as to the question itself, not only have I heard nothing to shake the opinion which I originally expressed, or to meet the arguments which I feebly endeavoured to advance in its support, but I am seconded by the admissions of those who would resist the motion: for, beside the power-

ful assistance I have received from my learned friends on the benches around me, and who, one after another, have distinguished themselves in a manner never to be forgotten in this House, or by their country—men of all classes, and of all parties, without regard to difference of political sentiments or of religious persuasion, will hold them in lasting remembrance, and pronounce their honoured names with unceasing gratitude, for the invaluable service which their brilliant talents and honest zeal have rendered to the cause of truth and justice.—Besides this, what have I on the other side? Great ability, no doubt, displayed—much learning exhibited—men of known expertness and high official authority put in requisition—others for the first time brought forward in debate—an hon. and learned friend of mine, for whom I have the most sincere esteem, and of whose talents I did not for the first time to-night witness the exhibition—yet, with all those talents, and all that research from him and from others who followed him, instead of any thing to controvert the positions I set out with, I find support. I have an admission—for it amounts to nothing less than an admission—a confession—a plea of guilty, with a recommendation to mercy. We have an argument in mitigation of the punishment of this court-martial, and of the government who put their proceedings in motion—nothing against Mr. Smith, nothing on the merits of those proceedings. An attempt, no doubt, was made, by my learned friend, the attorney-general, to go a little further than any other gentleman who has addressed the House. He would fain have stepped beyond the argument which alone has been urged from all other quarters, against this poor missionary, and would have attempted to shew that there was some foundation for the charge which makes him an accomplice, as well as guilty of misprision: all others, as well of the legal profession as laymen, and particularly the secretary of state who spoke last but one, have at once abandoned, as utterly desperate, each and every of the charges against Mr. Smith, except that of misprision; and even this they do not venture very stoutly to assert. "It is something like a misprision," says the right hon. secretary—for the House will observe, that he would not take upon himself to say that he had been guilty of misprision of treason, strictly so called. He would not say there was any treason

in existence, of which a guilty concealment could take place; still less would he affirm (which is, however, necessary, in order to make it misprision at all), that Mr. Smith had known a treason to exist in a specific and tangible shape, and that, this knowledge being conveyed to him, he had sunk it in his own breast, instead of divulging it to the proper authorities. All the charge was this—in this it began; in this it centered; in this it ended: "I cannot help thinking," said the right hon. gentleman, "when I take every thing into consideration, whatever may be the facts as to the rest of the case—I cannot get out of my mind the impression, that, somehow or other, he must have known that all was not right; must have suspected that there might be something wrong; and, knowing, or suspecting, there was something wrong, he did not communicate that something to the lawful authorities!" My learned friend, the attorney-general, indeed, went a little further: he felt, as a lawyer, that this was not enough, and particularly when we are talking, not merely of a crime, but of a capital crime—not merely of a charge of guilty, and of "something wrong," and having a misgiving in our mind, that that "something wrong" was known to him, and, being known to him, was concealed by him—but that on this something was to be founded, not barely an accusation of wrong doing, but a charge of criminality; and not merely a charge, but a conviction; and not merely a conviction of guilt, but a conviction of the highest guilt known to the law of this or of any country; and a sentence of death following that capital conviction; and that ignominious sentence standing unrepealed, though unexecuted; sanctioned, nay adopted, by the government of this country, because suffered to remain unrescinded; and carried into effect, as far as its authors dared give it operation, by treating its object as a criminal, and making him owe his escape to mercy, who was entitled to absolute acquittal. Accordingly, what says my learned friend (Mr. Tindal), in order to shew that there was some foundation for those proceedings? He feels that English law will not do; that is quite out of the question; so does the attorney-general. Therefore, forth comes their Dutch code; and upon it they are fain, at least for a season, to rely. They say, "True it is, all this would have been too monstrous to be for one instant endured in any court in England—true,

there is nothing like a capital crime committed here; certain it is, if treason had been committed by conspiring the death of the king, if an overt act had been proved, if the very bond of the conspirators had been produced, with their seals, in court, to convict them of this treason; and if another man, namely, Smith, had been proved to have known it, to have seen the bond with the seals and the names of the conspirators upon it, and had been the confidential depository of their secret treasons, and had done all but make himself their accomplice, he might have known it, he might have seen its details in black and white, he might have had it communicated to him by word or by writing, he might have had as accurate knowledge of it as any man has of his own household, and he might have buried the secret in his own breast, so that no one should learn it until the design, well matured, was at length carried openly into execution; and yet that knowledge and concealment, that misprision of treason, could not by possibility have subjected him to capital punishment in any English court of justice!" This they know, and this they admit; and the question being, What shall we do, and how shall we express our opinion on the conduct of a court-martial, which, having no jurisdiction with respect to the offence, even if the person of the prisoner had been under their authority, chose to try him over whom they had no jurisdiction of whatever offence he might be accused—and moreover, to try him capitally for an offence for which no capital sentence could be passed, even if the party had been amenable to their jurisdiction, and if, when put upon his trial he had at once pleaded guilty, and confessed that he had committed all he was accused of a hundred times over!—This being the question before the House, my learned friends being called upon to say how we shall deal with those who first arrogate to themselves an authority utterly unlawful, and then sentence a man, whom they had no pretence for trying, to be hanged for that which he never did, but which, had he done it, is not a capital crime:—such being the question, the gentlemen on the other side feeling the pinch of it, and aware that there is no warrant for such a sentence in the English law, betake themselves to the Dutch, contending that it punishes misprision with death! But here my learned friend (Mr. Tindal) gets into a difficulty

with which all his acuteness only enables him to see the more clearly that there is no struggling, and from which the whole resources of his learning have no power to extricate him. Nay—I speak it with the most sincere respect for him—I was not the only person who felt, as he was going on, that in this part of his progress he seemed oppressed with the nature of his task, and, far from getting over the ground with as easy a pace and as firm a footstep as usual, he hesitated, and even stumbled; as if unaware beforehand of the slipperiness of the path, and only sensible of the kind of work he had undertaken when already in the midst of it. The difficulty, the insurmountable difficulty, is this; You must choose between jurisdiction to try at all, and power to punish misprision capitally; both you cannot have by the same law. If the Dutch law make the crime capital, which the English does not, the Dutch law gives you no right to try by a military tribunal. The English law it was that alone could make the court-martial legal; so, at least, the court and the prosecutor say. "Necessity," they assert, "has no law—proclaim martial law, every man is a soldier, and amenable to a military court." They may be right in this position, or they may be wrong; but it is their only defence of the jurisdiction which they assumed. By the law of England, then, not of Holland, was the court assembled. According to English forms it sate; by English-law principles it affected to square its modes of proceeding; to authorities of English law it constantly appealed. Here indeed, this night, we have heard Dutch jurists cited in profusion; the erudite Van Schooten, the weighty Voetius, the luminous Huber, ornaments of the Batavian school—and Dommât, who is neither Dutch nor English, but merely French, and therefore has as much to do with the question, in any conceivable view, as if he were a Mogul doctor; yet his name, too, is brandished before us, as if to shew the exuberance and variety of the stores at the command of my learned friends. But, was any whisper of all this Hollandish learning ever heard in the court itself? Was it on those worthies that the parties themselves relied, for whom the fertile invention of the gentlemen opposite is now so nimbly forging excuses? No such thing. They appealed to the Institutes of that far-famed counsellor of justice, Blackstone; the edict of the states-

general, commonly called the Mutiny act; the Crown Law of that elaborate commentator of Rotterdam, Hawkins; and the more modern tractate upon Evidence of my excellent friend, the very learned professor Philipps of Leyden. It is to these authorities that the judge-advocate, or rather the many judge-advocates who were let loose upon the prisoner, constantly make their appeal; with quotations from these laws and these text-writers that they garnish their arguments; and Voet, and Bynkershoeck, and Huber, are no more mentioned than if they had never existed, or Guiana had never been a colony of the Dutch. Thus, then, in order to get jurisdiction, without which you cannot proceed one step, because the whole is wrong from the beginning if you have it not, you must abandon your Dutch authors, leave your foreign codes, and be content with that rude, old-fashioned system, part written, part traditional, the half-Norman, half-Saxon code, which we are wont to respect, under the name of the old, every-day law of England. Without that you cannot stir one step. Having got your foot on that, you have something like a jurisdiction, or at least a claim to a jurisdiction, for the court-martial. But, then, what becomes of your capital punishment? Where is your power of putting to death for misprision? Because, the instant you abandon the Dutch law, away goes capital punishment for misprision; and if you acquit this court-martial of the monstrous solecism (I purposely avoid giving it a worse name) of having pronounced sentence of death for a clergyable offence, you can only do so by having recourse to the Dutch law, and then away goes the jurisdiction:—so that the one law takes from you the jurisdiction—the authority to try at all; and the other takes away the right to punish as you have punished. Between the horns of this dilemma I leave my learned friend. Now, this is no immaterial part of the argument; on the contrary, it lies at the foundation of the whole; and I cannot help thinking, that the practised understanding of my learned friend, the attorney-general, perceived its great importance, and had some misgivings that it must prove decisive of the question; for he applied himself to strengthen the weak part, to find some way by which he must steer out of the dilemma—some middle course, which might enable him to obtain the jurisdic-

tion from one law, and the capital punishment from the other. Thus according to him, you must neither proceed entirely by the Dutch, nor yet entirely by the English law, but just take from each what suits your immediate purpose, pursuing it no further than the necessities of your case require. The English law gives you jurisdiction: use it then to open the doors: but, having them thus flung open, allow not to enter the gracious figure of English justice, with those forms, the handmaids that attend her. Make way for the body of Dutch jurisprudence, and enthrone her, surrounded with her ministers, the Hubers, and Voets, and Van Cootens. Now, this mode of treating a difficulty is one of the most ordinary, and among the least excusable, of all sophisms; it is that by which, in order to get rid of an absurdity inherent in any proposition, we arbitrarily and gratuitously alter its terms, as soon as we perceive the contradictory results to which it necessarily leads; carving and moulding our data at pleasure; not before the argument begins, but after the consequences are perceived. The alteration suddenly made, arises, not out of the argument, or the facts, or the nature of things; but is made violently, and because there is no doing without it; and it is never thought of till this is discovered. Thus, no one ever dreamt of calling in the Dutch code till better lawyers than the court-martial found, that the English law condemned half their proceedings; and then the English was abandoned, until it was perceived that the other half stood condemned by the Dutch. Therefore, a third expedient is resorted to: the law under which they claim their justification is to be part Dutch, when that will suit; part English, when they can't get on without it; something compounded of both, and very little like either—shewing to demonstration, that they acted without any law, or only set about discovering by what law they acted, after their conduct was impeached; and then were forced to fabricate a new law to suit their proceedings, instead of having squared those proceedings to any known rule of any existing law. To put all such arbitrary assumptions at once to flight, I need only remind the House how the jurists of Demerara treated the Dutch law. Admitting, for argument sake, that the doors of the court were opened by the English law giving them jurisdiction, then that by

violence the Dutch law was forced through and made to preside, of course we shall find all appeal to English statutes, and forms, and common law, cease from the instant that they have served their purpose of giving jurisdiction; and every thing will be conducted upon Dutch principles. Was it so? Was any mention made, from beginning to end, of Dutch rules or Dutch forms? Was there a word quoted of those works now so glibly referred to? Was there a single name pronounced of those authorities, for the first time cited in this House to-night? Nothing of the kind. All was English from first to last: all the laws appealed to on either side, all the writers quoted, all the principles laid down, without a single exception, were the same that would have been resorted to in any court sitting in this country; and the court-martial were content to rest their proceedings upon our own law, and to be an English judicature, or to be nothing at all.

Sir, I rejoice (well knowing that a legal argument, whether Dutch or English, or, like the doctrine I have been combatting, made up of both, is at all times very little of a favourite with this House, and less than ever at the hour of the morning to which we are now approaching) that what I have said, coupled with the more luminous and cogent reasons which have been urged by my hon. and learned friends, may suffice to settle the point of law, and relieve me from the necessity of detaining you longer upon so dry a part of the question. My only excuse for having gone so far into it, is its intimate connexion with the defence of the court-martial, of whose case it indeed forms the very corner-stone. And now, in passing to the merits of the inquiry before that court, I have to wish that my learned friend, the member for Peterborough (Mr. Scarlett) was here in his place; that, after the example of others who have gone before me, I too might, in my turn, have taken the opportunity of paying my respects to him. But, if he has gone himself, he has left a worthy representative in the hon. under-secretary for colonial affairs, by whom, in the quality for which his very remarkable speech the other night shone conspicuous—I mean, an entire ignorance of the facts of the case—he is, I will not say out-done, because that may safely be pronounced to be beyond the power of any man, but almost, if not altogether, equalled. There

was, however, this difference between the two;—that the hon. under-secretary, with a gravity quite imposing, described the great pains he had taken to master the details of the subject; whereas, my learned friend avowed that he considered it as a matter which any one might take up at an odd moment during the debate; that, accordingly, he had come down to the House perfectly ignorant of the whole question, and been content to pick up what he could while the discussion went on, partly by listening, partly by reading. I would most readily have taken his word for this, as I would for any thing else he had chose to assert; but if that had not been sufficient, his speech would have proved it to demonstration. If, as he says, he came down in a state of entire ignorance, assuredly he had not mended his condition by the sort of attention he might have given to the question in his place—unless a man can be said to change his ignorance for the better, by gaining a kind of half-blind, left-handed knowledge, which is worse than ignorance, as it is safer to be uninformed than misinformed. In this respect, too, the right hon. secretary of state is his worthy successor; for the pains which he has taken to inform himself, seem but to have led him the more widely astray. I protest I never in my life witnessed such an elaborate neglect of the evidence, as pervaded the part of his speech which affected to discuss it. He appeared to have got as far wrong, without the same bias, as my hon. friend was led by the jaundiced eye with which he naturally enough views such questions, from his West-Indian connexions, and the recollections associated with the place of his birth and the scene of his earliest years. Without any such excuse from nature, the right hon. secretary labours to be in the wrong, and is eminently successful. His argument against Mr. Smith rests upon the assumption, that he had an accurate knowledge of a plot, which the right hon. secretary by another assumption, supposes to have been proved; and he assumes that Mr. Smith had this knowledge twenty-four hours before he could possibly have known any thing of the matter. Every thing turns upon this; and whoever has read the evidence with attention, is perfectly aware that this is the fact. Tell me not of Jacky Reed's letter, which was communicated to him on Monday evening at six o'clock, or later! Talk not to me

of going to the constituted authorities as soon as he knew of a revolt! If he had known it the night before; if he had been aware of the design before the insurrection broke out, then indeed there might have been some ground for speaking about concealment. If he had obtained any previous intelligence, though nothing had been confided to him, by a figure of speech we might have talked of concealment—hardly of misprision. But when did the note reach him? The only discrepancy in the evidence is, that one witness says it was delivered at six, and he was the bearer of it, while another, ascertaining the time by circumstances, which are much less likely to deceive than the vague recollection of an hour, fixes the moment, by saying that it was at night-fall, half an hour later. But take it at the earliest period, and let it be six. When did the revolt break out? I hear it said, at half-past six. No such thing; it broke out at half-past three: aye, and earlier. Look at the 15th page of the evidence, and you will find one witness speaking to what happened at half-past three, and another at half-past four. A most important step had then been taken. Quamina and Jack the two alleged ringleaders—one of them, Jack, unquestionably was the contriver of the whole movement, or resolution to strike work, or call it what you will; and Quamina was suspected—and I believe the suspicion to have been utterly groundless; nor have I yet heard, throughout the whole proceedings, a word to confirm it—but both these men, the real and the supposed ringleader, had been actually in custody for the revolt, nay, had been both arrested for the revolt, and rescued by the revolvers, two or three hours before the letter came into Mr. Smith's hands! It is for not disclosing this, which all the world knew better than himself, for not telling them at night what they knew in the afternoon, that he is to be blamed! Why go and communicate to a man that the sun is shining at twelve o'clock in the day? Why tell this House that these candles are burning; that we are sitting in a great crowd, in no very pleasant atmosphere, and listening to a tedious speech? Why state things which were as plain as the day-light, and which every one knew better and earlier than Mr. Smith himself? He was walking, with his wife under his arm, say the witnesses: he should have walked away with her, or hired a horse and rode to Georgetown,

says the right hon. secretary. Why, this would have been, at the least, only doing what was manifestly superfluous, and, because superfluous, ridiculous. But in the feeling which then prevailed; in the irritation of men's minds; in the exasperation towards himself which, I am sorry to say, had been too plainly manifested; I believe such a folly would not have been considered as superfluous only: he would have been asked, "Why are you meddling? what are you interfering about? keep you quiet at your own house; if you are indeed a peaceable missionary, don't enter into quarrels you have no concern in, or busy yourself with other people's matters." Answers of that kind he had received before: rebuffs had been given him of a kind which might induce him to take an opposite course. Not a fortnight previous to that very night he had been so treated. I, for one, am not the man to marvel that he kept himself still at his house, instead of going forth to tell tales which all the world knew, and to give information extremely unlike that which the evidence would have communicated to the hon. under-secretary, if he had read it correctly; and to the member for Peterborough, if he had read it at all. It would have informed no one, because all knew it.

But, says the right hon. gentleman, why did not this missionary, if he would not fly to the destruction of his friends upon some vague surmise—if he would not make haste to denounce his flock upon rumour or suspicion—if he would not tell, that which he did not know—if he would not communicate a treason which probably had no existence, which certainly did not to his knowledge exist—if he would not disclose secrets which no man had entrusted to him—if he would not betray a confidence which no mortal had ever reposed in him—(for that is the state of the case up to the delivery of Jacky Reed's letter; that is the precise state of the case at the time of receiving the letter)—if he did not please to do all these impossibilities, there was one possibility, it seems, and that mentioned for the first time to-night (I know not when it was discovered), which he might do: Why did he not go forth into the field, when the negroes were all there, rebellious and in arms—some arrested and rescued, others taken by the insurgents and carried back into the woods—why did he not proceed where he could not take a step, according

to the same authority that suggests such an operation, without seeing multitudes of martial slaves—why not, in this favourable state of things, at this very opportune moment, at a crisis so auspicious for the exertions of a peaceful missionary among his enraged flock—why not greedily seize such a moment, to reason with them, to open his Bible to them, to exhort them and instruct them and catechize them, and, in fine, take all those steps which for having pursued, in a season of profound tranquillity, he was brought into peril of his life!—why not now renew that teaching and preaching to them, for which, and for nothing else, he was condemned to death, his exhausted frame subjected to lingering torture, and his memory blighted with the name of traitor and felon! Why, he was wise in not doing this! If he had made any such unseasonable and wild attempts, we might now think it only folly, and might be disposed to laugh at the ridiculous project; but at that moment of excitement, when the exasperation of his enemies had waxed to such a height as he knew it to have reached against him, and men's minds were in a state of feverish alarm that made each one deem every other he met his foe, and all who were in any manner of way connected with plantations fancied they saw the very head and ringleader of their common enemy in whatever bore the shape of a christian pastor—(this Mr. Smith knew, independent of his personal experience, independent of experience the most recent—experience within the last fortnight from the time when such courses are pointed out as rational, nay, obvious and necessary)—but if, with only his own general knowledge of the state of society, the recollection of what had happened to him in former times, and the impression which every page of his journal proves to have been the genuine result of all he saw daily passing before his eyes—if, in such a crisis, and with this knowledge, he had fared forth upon the hopeless errand of preaching peace, when the cutlasses of the insurgents were gleaming in his eyes, I say he would not merely have exposed himself to the just imputation of insanity from the candid and reflecting, but have encountered, and for that reason encountered, the persecutions of those who now, with monstrous inconsistency, blame him for not employing his pastoral authority to restrain a rebellious multitude, and who pursued him to the

death for teaching his flock the lessons of forbearance and peace [hear, hear].

Sir, I am told that it is unjust to censure the court-martial so vehemently as I propose doing in the motion before you: and, really, to hear gentlemen talk of it, one would imagine that it charged enormous crimes in direct terms. Some have argued as if murder were plainly imputed to the court: They have confounded together the different parts of the argument urged in support of the motion, and then imported into the motion itself that confusion, the work of their own brains. But even if the accusations of which they complain had been preferred in the speeches that introduced or supported the proposition, could any thing be conceived more grossly absurd than to decide as if you were called upon to adopt or reject the speeches, and not the motion, which alone is the subject of the vote? Truly this would be a mode of reasoning surpassing any thing the most unfair and illogical that I have ever heard attempted even in this place, where I have certainly heard reasonings not to be met with elsewhere. The motion conveys a censure, I admit; but in my humble opinion, a temperate and a mitigated censure. The law has been broken; justice has been outraged. Whoso believes not in this, let him not vote for the motion. But whosoever believes that a gross breach of the law has been committed; that a flagrant violation of justice has been perpetrated! is it asking too much at the hands of that man, to demand that he honestly speak his mind, and record his sentiments by his vote? In former times, this house of parliament has not scrupled to express, in words far more stringent than any you are now required to adopt, its sense of proceedings displaying the triumph of oppression over the law. When there came before the legislature a case remarkable in itself; for its consequences yet more momentous; resembling the present in many points; to the very letter in some things resembling it—I mean, the trial of Sidney—did our illustrious predecessors within these walls shrink back from the honest and manly declaration of their opinion in words suited to the occasion and screen themselves behind such tender phrases as are this night resorted to,—“Don't be too violent—pray be civil—do be gentle—there has only been a man murdered, nothing more—a total breach of all law, to be sure; an utter contempt, no doubt, of justice, and

every thing like it, in form as well as in substance; but that's all: surely, then, you will be meek, and patient, and forbearing, as were the Demerara judges to this poor missionary; against whom, if somewhat was done, a great deal more was meditated than they durst openly perpetrate; but who, being condemned to die in despite of law and evidence, was only put to death by slow and wanton severity!" In those days no such language was holden. On that memorable occasion, plain terms were not deemed too strong when severe truth was to be recorded. The word "murder" was used, because the deed of blood had been done. The word "murder" was not reckoned too uncourtly, in a place where decorum is studied somewhat more scrupulously than even here: on the journals of the other House stands the appointment of lords committees, "to inquire of the advisers and prosecutors of the murder of lord Russell and colonel Sidney:" and their lordships make a report, upon which the statute is passed to reverse those execrable attainders. I will not enter into any detailed comparison of the two cases, which might be thought fanciful; but I would remind the House, that no legal evidence was given of Mr. Smith's handwriting in his journal, any more than of Sidney's in his manuscript Discourse on Government. Every lawyer, who reads the trial, must at once perceive this. The witness who swears to Mr. Smith's hand, cannot say that he ever saw him write; and when asked how he knows, the court say "that question is unnecessary, because he has said he knows the hand!" although all the ground of knowledge he had stated was, having received letters from him, without a syllable of having afterwards seen him to ascertain that they were his, or having written in answer to them, or otherwise acted upon them. Now, in Sidney's case there was an endorsement on bills of exchange produced, and those bills had been paid; nevertheless parliament pronounced his conviction murder, for this, among other reasons, that such evidence had been received. The outrageous contempt of the most established rules of evidence, to which I am alluding, was indeed committed by a court of fourteen military officers, ignorant of the law; but, that their own deficiencies might be supplied, they had joined with them the first legal authority of the colony. Why, then, did they not avail themselves of Mr.

President Wray's knowledge and experience? Why did they over-rule by their numbers what he must have laid down to them as the law? I agree entirely with my learned friend (Mr. Scarlett), that the President must have protested strenuously against such proceedings. I take for granted, as a matter of course, that he resisted them to the utmost of his power. My learned friend and I have too good an opinion of that learned judge, and are too well persuaded of his skill in our common profession, to have a doubt in our minds of his being as much astonished at those strange things as any man who now hears of them; and far more shocked, because they were done before his eyes; and, though really in spite of his efforts to prevent them, yet clothed in outward appearance with the sanction of his authority.

In Sidney's case, another ground of objection at the trial, and of reprobation ever afterwards, was the seizure and production of his private manuscript, which he described, in eloquent and touching terms, as containing "sacred truths and hints that came into his mind, and were designed for the cultivation of his understanding, nor intended to be as yet made public." Recollect the seizure and production of the missionary's journal; to which the same objection and the same reprobation is applicable: with this only difference, that Sidney avowed the intention of eventually publishing his discourse, while Mr. Smith's papers were prepared to meet no mortal eye but his own. In how many other particulars do these two memorable trials agree? The preamble of the act rescinding the attainder seems almost framed to describe the proceedings of the court at Demerara. Admission of hearsay evidence; allowing matters to be law for one party, and refusing to the other the benefit of the same law; wresting the evidence against the prisoner; permitting proof by comparison of hands—all these enormities are to be found in both causes.

But, Sir, the demeanour of the judges after the close of the proceedings, I grieve to say it, completes the parallel. The chief justice who presided, and whom a profligate government made the instrument of Sidney's destruction, it is stated in our most common books—Collins, and I believe also Rapin—"when he allowed the account of the trial to be published, carefully made such alterations and sup-

pressions as might shew his own conduct in a more favourable light." That judge was Jeffries, of immortal memory! who will be known to all ages as the chief—not certainly of ignorant and inexperienced men, for he was an accomplished lawyer, and of undoubted capacity—but as the chief and head of unjust and cruel and corrupt judges. There, in that place, shall Jeffries stand hateful to all posterity, while England stands; but there he would not have stood, and his name might have come down to us with far other and less appropriate distinction, if our forefathers, who sat in this House, had consented to fritter away the expression of their honest indignation, to mitigate the severity of that record which should carry their hatred of injustice to their children's children—if, instead of deeming it their most sacred duty, their highest glory, to speak the truth of privileged oppressors, careless whom it might strike, or whom offend, they had only studied how to give the least annoyance, to choose the most courtly language, to hold the kindest and most conciliating tone towards men who shewed not a gleam of kindness, conciliation, courtesy, no, nor bare justice, nor any semblance or form of justice, when they had their victim under their dominion. Therefore it is, that I cannot agree to this previous question. Rather let me be met by a direct negative: it is the manlier course. I could have wished that the government had still "screwed up their courage to the sticking-place," where for a moment it perched the first night of the debate, when by the hon. gentleman from the colonial department we were told, that he could not consent to meet this motion in any way but the most triumphant—a decided negative. [Mr. Wilmot Horton.—"No!"]—I beg the hon. member's pardon. I was not present at the time, but took my account of what passed from others, and from the usual channels of intelligence. I understood that he had given the motion a direct negative. [Mr. Wilmot Horton.—"I said no such thing; I said I should give my dissent to the motion without any qualification."]—I was not bred up in the Dutch schools, nor have practised in the court of Demerara; and I confess my inability to draw the nice distinction, so acutely taken by the hon. gentleman, between a direct negative, and a dissent without any qualification. In my plain judgment, unqualified dissent is that frame of mind which begets a direct

negative. Well, then, call it which you will, I prefer, as more intelligible and more consistent, the direct negative, or unqualified dissent. What is the meaning of this "previous question," which the right hon. secretary has to-night substituted for it? Plainly this: there is much to blame on both sides; and, for fear of withholding justice from either party, we must do injustice to both. That is exactly the predicament in which the right hon. gentleman's proposition would place the government and the House with respect to West-Indian interests. But what can be the reason of all this extraordinary tenderness towards the good men of Demerara? Let us only pause for a moment, and consider what it can mean. How striking a contrast does this treatment of those adversaries of his majesty's ministers afford to the reception which we oftentimes meet with from them here! I have seen, in my short experience, many motions opposed by the gentlemen opposite, and rejected by the House, merely because they were accompanied by speeches unpalatable to them and their majorities. I have seen measures of the greatest importance, and to which no other objection whatever was made, flung out, only because propounded by Opposition men, and recommended by what were called factious arguments. I remember myself once moving certain resolutions upon the commercial policy of the country, all of which have, I think, either been since adopted by the ministers (and I thank them for it), or are in the course of being incorporated with the law of the state. At the time, there was no objection urged to the propositions themselves—indeed, the chancellor of the Exchequer professed his entire concurrence with my doctrines—and, as I then said, I had much rather see his good works than hear his profession of faith, I am now happy that he has appealed to this test of his sincerity, and given me what I asked—the best proof that the government entirely approved of the measures I recommended. But, upon what grounds were they resisted at the time? Why, nine parts in ten of the arguments I was met by, consisted of complaints, that I had introduced them with a factious speech, intermixed them with party topics, and combined with the commercial part of the subject a censure upon the foreign policy of the government, which has since been, I think, also well-nigh given up by themselves. Now, then, how

have the Demerara men entitled themselves to the especial protection and favour of those same ministers? Have they shewn any signal friendship, or courtesy, or decent respect, towards his majesty's government? Far enough from it. I believe the gentlemen opposite have very seldom had to bear such violence of attack from this side of the House, bad though we be, as from their Guiana friends. I suspect they have not in any quarter had to encounter so much bitterness of opposition as from their new favourites, whom they are so fearful of displeasing. Little tenderness, or indeed forbearance, have they shewn towards the government which anxiously cherishes them. They have held public meetings to threaten all but separation; they have passed a vote of censure upon one minister by name; and, that none might escape, another upon the whole administration in a mass: and the latest accounts of their proceedings left them contriving plans in the most factious spirit, in the very teeth of the often avowed policy of the government, for the purpose of prohibiting all missions and expelling all missionaries from the settlement. Sir, missions and missionaries may divide the opinions of men in any other part of our dominions but the slave colonies, and the most opposite sentiments may honestly and conscientiously be entertained upon their expediency; but in those countries it is not the question, whether you will have missionary teachers or no, but, whether you will have teachers at all or no. The question is not, shall the negroes be taught by missionaries, but, shall they or shall they not be taught at all? For it is the unvarying result of all men's experience in those parts, members of the Establishment as well as Dissenters—nay, the most absolute opinions on record, and the most strongly expressed, have come from Churchmen—that there is but this one way practicable of attempting the conversion of these poor heathens. With what jealousy, then, ought we to regard any efforts, but especially by the constituted authorities who bore a part in those proceedings, to frustrate the positive orders for the instruction of the slaves, not only given by his majesty's government, but recommended by this House—a far higher authority as it is, higher still as it might be, if it but dared now and then to have a will of its own, and, upon questions of paramount importance, to exercise fearlessly an unbiassed judgment?

To obtain the interposition of this authority for the protection of those who alone will, or can, teach the negroes, is one object of the motion upon which I shall now take the sense of the House. The rest of it relates to the case of the individual who has been persecuted. The right hon. gentleman seems much disposed to quarrel with the title of martyr, which has been given him. For my own part, I have no fault to find with it; because I deem that man to deserve the name, as in former times he would have reaped the honours of martyrdom, who willingly suffers for conscience. Whether I agree with him or not in his tenets, I respect his sincerity, I admire his zeal; and when, through that zeal, a Christian minister has been brought to die the death, I would have his name honoured and holden in everlasting remembrance. His blood cries from the ground—but not for vengeance! He expired, not imprecating curses upon his enemies, but praying for those who had brought him to an untimely grave. It cries aloud for justice to his memory, and for protection to those who shall tread in his footsteps, and—tempering their enthusiasm by discretion; uniting with their zeal knowledge; forbearance with firmness; patience to avoid giving offence, with courage to meet oppression, and to resist when the powers of endurance are exhausted—shall prove themselves worthy to follow him, and worthy of the cause for which he suffered. If theirs is a holy duty, it is ours to shield them, in discharging it, from that injustice which has persecuted the living and blasted the memory of the dead. [cheers.]

Sir, it behoves this House to give a memorable lesson to the men who have so demeaned themselves. Speeches in a debate will be of little avail. Arguments on either side neutralize each other. Plain speaking on the one part, met by ambiguous expressions—half censure, half acquittal, betraying the wish to give up, but with an attempt at an equivocal defence—will carry out to the West Indies a motley aspect; conveying no definite or intelligible expression, incapable of commanding respect, and leaving it extremely doubtful whether those things, which all men are agreed in reprobating, have actually been disapproved of or not. Upon this occasion, most eminently, a discussion is nothing, unless followed up by a vote to promulgate with authority what is admitted to be universally felt. That

vote is called for, in tenderness to the West Indians themselves—in fairness to those other colonies which have not shared the guilt of Demerara. Out of a just regard to the interests of the West-Indian body, who, I rejoice to say, have kept aloof from this question, as if desirous to escape the shame when they bore no part in the crime, this lesson must now be taught by the voice of parliament—that the mother country will at length make her authority respected—that the rights of property are sacred, but the rules of justice paramount and inviolable—that the claims of the slave owner are admitted but the dominion of parliament indisputable—that we are sovereign alike over the White and the Black; and though we may for a season, and out of regard for the interests of both, suffer men to hold property in their fellow-creatures, we never, for even an instant of time, forget that they are men, and the fellow-subjects of their masters—that, if those masters shall still hold the same perverse course—if, taught by no experience, warned by no auguries, scared by no menaces from parliament, or from the Crown administering those powers which parliament invoked it to put forth—but, blind alike to the duties, the interests, and the perils of their situation, they rush headlong through infamy to destruction; breaking promise after promise made to delude us; leaving pledge after pledge unredeemed, extorted by the pressure of the passing occasion; or only, by laws passed to be a dead letter, for ever giving such an elusory performance as adds mockery to breach of faith;—yet a little delay; yet a little longer of this unbearable trifling with the commands of the parent state, and she will stretch out her arm, in mercy, not in anger to those deluded men themselves; exert at last her undeniable authority; vindicate the just rights, and restore the tarnished honour of the English name!

The previous question being put, “That the question be now put” the House divided: Ayes 146. Noes 193. Majority against Mr. Brougham’s motion 47.

List of the Minority.

Abercromby, hon. J.	Belgrave, visc.
Acland, sir T.	Benet, J.
Allen, J. H.	Benyon, B.
Anson, sir G.	Birch, J.
Astley, sir J. D.	Blake, sir F.
Barham, J. F.	Boughton, sir W.
Barret, S. M.	Brougham, H.

Brown, J.	Macdonald, J.
Brownlow, C.	Mackintosh, sir J.
Burdett, sir F.	Maddocks, W. A.
Bury, visc.	Marjoribanks, S.
Butterworth, J.	Maxwell, J.
Byng, G.	Monck, J. B.
Calcraft, J.	Newman, R. W.
Calcraft, J. H.	Normanby, visc.
Calthorpe, hon. F.	Nugent, lord
Calvert, C.	Ord, W.
Calvert, N.	Oxmantown, lord
Carter, J.	Palmer, C.
Cavendish, lord G.	Palmer, C. F.
Cavendish, C.	Pares, T.
Cavendish, H.	Parnell, sir H.
Chaloner, R.	Pelham, C. F.
Chamberlayne, W.	Philips, G.
Clifton, visc.	Philips, G. R.
Coke, T. W. jun.	Powlett, hon. W.
Corbett, P.	Poyntz, W. J.
Cradock, S.	Proby, hon. G. L.
Creery, T.	Pryse, Pryse
Davenport, D.	Pym, F.
Davies, T. H.	Ramsden, J. C.
Denison, W. J.	Rice, S.
Denman, T.	Rickford, W.
Dickenson, W.	Robarts, col.
Duncannon, visc.	Robinson, sir G.
Dundas, hon. F.	Rowley, sir W.
Dundas, C.	Rumbold, C.
Ebrington, visc.	Russell, lord G. W.
Ellis, hon. G. A.	Russell, lord J.
Ellison, C.	Ryder, rt. hon. R.
Evans, W.	Scott, J.
Farrand, R.	Sebright, sir J.
Fergusson, sir R.	Sefton, earl of
Fitzgerald, rt. hon. M.	Smith, A.
Fitzroy, lord J.	Smith, J.
Ford, M.	Smith, G.
Gaskill, B.	Smith, S.
Gordon, R.	Smith, hon. R.
Graham, S.	Smith, W.
Grattan, J.	Smyth, (Westmeath)
Griffiths, J. W.	Stanley, hon. E.
Grosvenor, hon. R.	Staunton, sir G.
Guise, sir B. W.	Townshend, lord C.
Gurney, R. H.	Tulk, C. A.
Heathcote, G. J.	Wall, C. B.
Heron, sir R.	Warre, J. A.
Heygate, ald.	Webb, E.
Hobhouse, J. C.	Wharton J.
Honywood, W. P.	White, col.
Hurst, R.	Whitbread, S.
Hutchinson, hon. H.	Whitbread, W.
C.	Whitmore, W.
Inglis, sir R.	Wilberforce, W.
Jervoise, G. P.	Wilbraham, E. B.
Johnes, J.	Williams, J.
Kemp, T. R.	Williams, sir R.
Kennedy, J. F.	Williams, W.
Knight, R.	Wilson, sir R.
Lambton, J. G.	Wilson, W. C.
Lawley, T.	Wodehouse, E.
Leader, W.	Wood, alderman
Lennard, T. B.	Wrottesley, sir J.
Leycester, R.	Yorke, sir Joseph
Maberly, John	

TELLERS.	Newport, sir J.
Buxton, T. F.	Price, R.
Lushington, Dr.	Portman, E.
PAIRED OFF.	Taylor, M. A.
Coke, T. W. (Norfolk)	Tavistock, marquis
Grenfell, Pascoe	Stewart, W. (Armagh)
Gurney, H.	Stanley, lord
Milton, visc.	Hamilton, lord
Mostyn, sir T.	Browne, D.
Money, W. T.	

HOUSE OF LORDS.

Monday, June 14.

COUNTY COURTS BILL.] Lord *Redesdale* moved the second reading of this bill. The main object of it was, he said, to facilitate the Recovery of Debts at a Small Expense, the expense being proportioned to the amount of the debt.

Lord *Ellenborough* opposed the bill; which was, he said, a greater mass of absurdity than ever before was formed into the shape of a law. The object of it was, quite unattainable. If it were attainable to enable a creditor to recover small debts at a little cost, he did not think it would be advisable. Such a law would only make tradesmen lax in giving credit, and the poor ready to take it, and thereby occasion a great deal of mischief to both. To give facility to recover debts would enable an unjust creditor to make debtors pay more than they owed, and frequently to compel others to pay sums which they did not owe. He besought their lordships to look well at the principle, as well as the absurd enactments of the bill, before they passed it into a law. He objected to the geographical divisions in it. Some of the assessors would have to be perpetually on horseback; and as the office was regulated at present, no respectable member of the bar would become assessor. He objected also to the bill, that it did not provide compensation for those whose interests were affected by it; and amongst others, the lord chief justice of the King's-bench, whose salary had not been raised with those of the other judges, in consequence of the very emoluments which the present measure would destroy. If ministers, however, approved of the bill, a committee should be appointed to arrange the compensations; but he thought it ought to be postponed until next session.

The Lord Chancellor admitted, that some such measure as the present was necessary, but agreed in thinking, that an inquiry should take place, with a view to the compensation of those who had just

claims to it. He conceived, therefore, that it would be desirable to let the bill stand over till the next session.

Lord *Redesdale* expressed himself willing to withdraw the bill on the understanding suggested.

Lord *Ellenborough* then moved, that the bill should be read a second time that day six months, which was agreed to.

HOUSE OF COMMONS.

Monday, June 14.

HISTORICAL PAINTING—PETITION OF R. B. HAYDON FOR ENCOURAGEMENT.] Mr. *Lambton* said, he rose to present a petition on the subject of the fine arts, from Mr. Benjamin Robert Haydon, an individual known for his talents as well as his misfortunes. The latter, he believed, were occasioned by no fault of his own, but by an enthusiastic attachment to the branch of art to which he had devoted himself, but which, however, it might lead to posthumous fame, could never, in this country, under existing circumstances, be cultivated with profit. A learned friend (Mr. Brougham) had, on a former occasion, presented a petition from Mr. Haydon, directing the attention of parliament to the art of historical painting; and that which he was now about to present referred to the same subject. He would state the substance of the petition. It set forth, that historical painting was less encouraged than any other branch of the art, although the Royal Academy and the British Gallery were established for the purpose of fostering and encouraging it. It was impossible that historical painting could be cultivated, unless it received public patronage. In Greece and Italy, historical painting obtained public as well as private patronage; in Holland it received private patronage only. It was unnecessary to point out the difference between the two schools. It was only since the foundation of the Royal Academy, that students in this country had been afforded the means of pursuing their studies to advantage. The late king had been a great encourager of historical painting, having introduced some work of that nature into every church or chapel over which he had any control. But, in the course of time, the want of patronage was so strongly felt, that historical painting had nearly fallen into entire disrepute. In 1804, the British Gallery was established by private subscription, upon the prin-

ciple of excluding all portraits from the exhibitions there. An application was made to the then chancellor of the Exchequer, Mr. Perceval, to grant some pecuniary assistance to the Institution, to enable the governors to purchase historical paintings; but the application was resisted, on the ground, that the country was then engaged in an expensive war. Since that time, historical painting had been left to the patronage of private individuals alone. Private individuals, however, found it impossible to purchase large historical paintings, and therefore confined their purchases to cabinet pictures. The public exhibition of the Elgin marbles and the Angerstein gallery would be an incitement to English artists to emulate the greatness of the works which were comprised in those collections. After observing that in Italy and Greece the purchase of works of art had been directed by the governments, the petition concluded by calling upon parliament to imitate that example, and to vote a sum of money to be expended in the purchase of historical paintings. The hon. member said, that he cordially concurred in the sentiments which were expressed in the petition. He was rejoiced that the House had voted for the buying of the Angerstein gallery, but he hoped that they would not stop at that point. If government merely set those works before our artists, without affording them the means of competing with them, they would only excite hopes that must be disappointed. If the object of government in the purchase of the Angerstein collection had been merely to gratify the sight-seeing public, they would stop with what they had done; but if they wished to make British artists emulate the magnificent works which had been placed before them, they would follow up the good work by an annual grant to be appropriated to the purchase of historical paintings.

Ordered to lie on the table.

BREACH OF PRIVILEGE—MR. GOURLAY.] The *Speaker* said, he had to submit to the consideration of the House a letter that he had received from Dr. Munro and sir G. Tuthill, who, at his desire, had visited Mr. Gourlay, at present, by the orders of that House, in the custody of the Serjeant at Arms.

The letter was read as follows:—"Sir; In obedience to your commands, we have had several interviews with Mr. Robert

Gourlay, for the purpose of ascertaining the state of his mind. And now, after repeated conversations with him; after hearing him detail many of the principal events of his life; and after carefully considering what he has recently written; it is our opinion that his mind has at different periods exhibited proofs of unsoundness, that he was of unsound mind on Friday last, when he assaulted a member of the House, and that he continues in the same state. "We have the honour to remain, Sir, &c. Edward Thomas Monro, M. D. George L. Tuthill, M. D."

Mr. *Canning* said, that after what the House had just heard, it was hardly expedient to follow the usual course of calling the individual to the bar [hear hear]. A great difficulty from thence arose, respecting the manner of disposing of this unfortunate man. He apprehended, however, that the most humane course would be, to detain him, without making any further order upon his case, until his friends should be consulted.

REVERSAL OF ATTAINDERS.] Mr. Secretary *Peel* said, that it became necessary for him, in the discharge of his duty, to move the first reading of five bills for the Reversal of Attainders, for which bills his majesty had been graciously pleased to signify his assent. The first bill was for reversing the attainder of lord Stafford, and with respect to that bill he wished it to be understood as the reparation for an act of injustice. The restoration of the other titles stood upon a different footing, for they were all acts of grace and favour. In addition to lord Stafford's bill, he had to propose the usual course of reading the bills for reversing the attainder of the earl of Mar, viscounts Kenmure and Strathallan, and baron Nairn.

Mr. *Abercromby* said, that, as a native of Scotland, he could not allow this opportunity to pass of testifying his cordial approbation of the course taken by his majesty in reversing these attainders. The restoration of the earl of Mar to the ancient title of his ancestors would be hailed with gratitude by the people of Scotland.

Sir *J. Mackintosh* said, that in the case of lord Stafford, his majesty was performing a memorable act of national justice, and in the case of the Scotch peers, one of royal clemency. There was something most affecting in the former, from

the example of retributive justice, which it held forth 144 years after the infliction of murder by the sword of-law, at a moment when passion had poisoned and subverted the moral attributes of justice. With reference to the Scottish attainders, he was one of those who held that every punishment of the descendants of criminals, for acts in which they could be no parties, was cruel and unjust. He hoped, that at some future period, his majesty would be pleased to obliterate the last remaining traces of these attainders, from those families who now innocently suffered from them.

Captain *Bruce* regretted that, with the warmest approbation of the principle of these bills, he could not praise that selection which took the taint from the blood of the lineal descendants of the parties who had first suffered, while the collateral branches of others whose descent was pure in their own line were still thought fit to be excluded from his majesty's grace. Such was his own case: he was descended from a collateral branch of the family of lord Burleigh, and the attainer alone prevented that title from devolving upon him. When his majesty was in Scotland, he had felt it his duty to present a petition for the reversal of his family attainer; and he had never since heard why this partial restoration of honours was selected. He yielded to no man in loyalty to the House of Hanover, and most painfully did he feel the distinction by which he suffered on the present occasion. Though the blood from which he was collaterally descended from lord Burleigh, who died without issue, was pure and untainted, yet still was he, and those who were to succeed him, excluded from the royal grace. Was that exclusion to be perpetuated? [Cries of "hear."] He hoped that on some future occasion, his case, and that of others similarly placed, would be considered by the Crown with grace and favour.

Lord *Binning* said, there was much worthy of consideration in what had fallen from his hon. friend, and he trusted it would meet with the attention it deserved in the proper quarter; particularly as, by the old Scottish law, the claims of a collateral branch were not estreated by forfeiture. Connected as he himself was with the peerage of Scotland, it was a source of unaffected pleasure to see the ancient and illustrious house of Mar restored to its honours.

Mr. Secretary *Peel* said, it was satisfactory to receive from all parts of the House the admission, that the selection was made without the remotest influence of party feelings. There remained but two modes of proceeding; either an indiscriminate reversal of all the attainders, or a selection. To the first mode, there were found objections, almost insurmountable. Indeed, some of those, lineally descended, did not, on considerations of property, wish for the extension of the bounty to them. In making a choice, government found the necessity of selecting those respecting whom no doubt existed regarding the original patent, as well as those who were desirous of preferring their claims. As the restoration of blood was, in the language of the law, a matter of grace and favour, he should not enter into any further explanation on the subject, except to observe, that no duty could be more pleasant than that which had thus devolved upon him. As accidentally, the bill for the reversal of the attainer of the earl of Mar was the last brought in, he begged just to remark, that that earldom was one of the most ancient in the kingdom; and, according to lord Hailes, existed before any records of parliament.

The bills were read a second time.

LAND TAX REDEMPTION BILL.] Mr. *Maberly*, in moving that the report on this bill be brought up, took occasion to review the acts relative to the Land-tax from its first imposition, down to the period when it was made perpetual by Mr. Pitt. After condemning the act which fixed the land-tax on the landed interest in perpetuity, and after pointing out the impolicy of fixing the price of its redemption at an exorbitant rate, he proceeded to state, that the present bill was intended to reduce the price of the redemption to such a rate as would be consistent with the existing state of the money-market. It would also provide for the payment of that price in ready money, and not by instalments, and for its application not to the funded but to the unfunded debt. He contended that if his plan were adopted, the chancellor of the Exchequer would, in all probability, be able, in the course of the next two years, to apply 34,000,000*l.* to the reduction of the unfunded debt; a circumstance which in case of hostilities would be of incalculable benefit. It would also afford the means of diminishing taxes to the amount of five millions.

Mr. *Herries* rose, for the purpose of moving that the report be brought up this day six months. He should not enter into any details, but should oppose the bill on the broad principle which had been so ably stated on a former night by the chancellor of the Exchequer. He contended, that the views of the hon. mover were by no means practicable. The idea that they were so could only have arisen in the hon. member's mind from his not having understood the nature of the subject. Originally the scheme for the redemption of the land-tax had operated beneficially, owing to the existing circumstances of the country; latterly, however, it had ceased to be so productive, in consequence of a change in those circumstances. In all schemes for its redemption, a sacrifice must be made either by the public or the individual. Now, it was absurd to suppose that an individual would voluntarily accede to a plan which demanded of him a sacrifice; and it was equally absurd to suppose, that the government could accede on behalf of the public to such a sacrifice as the adoption of the present bill would render necessary on its part. He then went into an examination of the charges on the unfunded debt, for the purpose of proving that the calculations of the hon. member were erroneous. This scheme could not enable government to reduce the whole of the unfunded debt, inasmuch as it would only produce 33,600,000*l.* under the most favourable circumstances, and the charge on the unfunded debt was at present 44,000,000*l.* The measure would be fraught with a loss to the public, in the first instance, of 400,000*l.* a year, and ultimately, looking to the difference of income and charge, of 20,000,000*l.*

Mr. *Grenfell* could not support the bill, which he considered as very injudicious in many of its details.

Mr. *Hume* said, that some measure ought to be devised to relieve the country from the expense of collecting the land-tax. He had shown, on a former occasion, that, by the present mode of collection, a sum of 2,000,000*l.* sterling was actually lost. He did not, however, think, that the bill would effect that object. Now, if he were right in principle, that the expense of collection might be saved, his advice would be, not to throw out this measure, but to re-commit it. In the committee, the objectionable parts might be amended, and it could be brought be-

fore the House at a future period. He would, on the whole, wish his hon. friend not to press the measure at the present period of the session. It had been shown, clearly, by evidence on their table, that the office of receiver-general might be entirely dispensed with, and the 700*l.* per annum paid to each of the collectors be saved. Here, then, if ministers were sincere in their desire for economy, they might at once effect a saving of 50,000*l.* a year.

Mr. *Monck* thought the House was much obliged to the hon. member for directing their attention to this subject; but was of opinion that the sacrifice proposed by him was too great. It would be giving up an annuity worth 40 years' purchase for 24 years' purchase.

Mr. *Maberly* said, that viewing the measure in every possible point of view, he felt that it was wise and beneficial. He, however, would not divide the House on the question.

The amendment was then agreed to, without a division, and the report of the bill was consequently put off for six months.

IRISH INSURRECTION BILL.] On the order of the day for the second reading,

Mr. *Robertson* said, he was anxious to prove to the House the mischievous tendency of passing this bill, in the present state of Ireland. It would have the effect of aggravating their feelings, by making England appear to be leagued with one of the parties in Ireland, where it was notorious one party endeavoured to oppress and bear down another. He had recently received a letter from a person connected with one of those parties in Ireland, which was written for the purpose of showing him the determined hostility of the Roman Catholics against the Protestants there. The writer asserted, that the Catholics had taken an oath to exterminate the Protestants, man, woman, and child, on account of their religion. Now, there were 2,000,000 of Protestants in Ireland: and not one of them, he believed, had been put to death, except where some private feeling of wrong rankled in the mind of the party committing the outrage, and impelled him to transgress the law. The hon. member then read a paper, which was said to be sent forth by certain magistrates to whom the execution of the insurrection act had been intrusted. It was, he observed, one of the most inflammatory addresses ever published. After adverting to the frequent assemblage of

the Catholics, and the disgraceful acts committed by them, it went on to say, "will you remain in this state of apathy till you see your child reeking on the rebel pike, and the wife of your bosom satiating the libidinous passions of a lawless mob? The Insurrection act is strong. Government will give us every support, and shall we, under such circumstances, neglect ourselves? Shall we not use, to its utmost extent, the power intrusted to us?" This was an address of those very magistrates whose duty it would be to put the Insurrection act in force. [Here Mr. Peel observed, that the names affixed to it were fictitious]. The paper had been printed, and was, he believed, pretty widely disseminated. Men who could send forth such a publication, would be eager to employ the power which this act would place in their hands. But, had any case been made out to justify such a measure? He denied that there had. The witnesses before the committee did not prove that any conspiracy existed. Indeed, Mr. Blackburn, to whose evidence he attached more weight than to all the rest besides, decidedly negatived that fact. He stated that "the disturbances chiefly arose from pre-aggression. There was, he observed, no combination amongst the people. The insurrection act had put down combination; but it had left those people who conceived themselves to have been injured, as anxious as ever for revenge." Such was the fact. "Under the Insurrection act," he farther observed, "men, for little or no cause, were sometimes thrown into prison for months." Must not these unfortunate people, when let loose on society, be much worse, be far more hardened, than when the act was in force against them? This witness had said, that the Insurrection act, the new police, the improved magistracy, and the institution of petty sessions had tended towards keeping down the spirit of insubordination in Ireland. It appeared, then, that the Insurrection act was one of many causes; and when it was known that positive evil had been inflicted under it, why should it be continued? The chief offences cognizable under the Insurrection act were likewise punishable by the common law, and therefore the former was not necessary. Mr. Blackburn also stated, that the lowest labouring classes in Ireland were not so active in disturbances as the small landholders. Now, he could not conceive that the House would, under the present state of Ireland, aggravate the

situation of that unfortunate people, by forcing this law upon them. It had been asked, could the loyal people exist without it: this epithet loyal being exclusively applied to the Protestants. Now, he would not hear it said that the Catholics of Ireland were less loyal than the Protestants. If one party laid claim to greater loyalty than the other, he would give it to the Catholics. He contended, that the experience which the English government now possessed with respect to the coercive system of policy which had prevailed from the time of Henry 2nd, down to the present period, was enough to convince the warmest supporters of this measure, that it was not calculated to answer the ends of peace and tranquillity, much less to allow any favourable development of the powers and resources, the industry and virtues, of that nation. One party represented the Irish people as noble and generous, grateful and warm-hearted—another party described them as perfidious, untractable, worse than savages. Such a heterogeneous character could not be the real character of any people on earth. The parliament ought to endeavour to discover what had been the genuine character of the Irish; and, if it had been debased from an excellent standard, to see what could be done for restoring it. The fact was, that the Irish character was only conditionally altered. Brave and noble-spirited as they had once certainly been, they had shown themselves occasionally perfidious and cruel; because, the treatment which they received under the brutalizing policy of successive governments, led to that inevitable consequence. Take away the causes which thus demoralized them, and they would be like other people. What could be expected from them, while government continued the same policy of sacrificing the Roman Catholics, whose number made up one-third of the numerical strength of the empire, to the bigotted Protestant party in Ireland, who were not more than one-fortieth of the empire? The report of the committee was really of no use, and had been nullified, for all practical purposes, by the manner of collecting the evidence. The act itself was worse than useless. Under it there had been taken up since they last met no less than between 2 and 3,000 persons, not one of whom had been convicted: so that here were 3,000 persons let loose upon the peace of the community, who, to all their previous reasons for dis-

affection, would naturally add the odium of having suffered unjustly. And this was the only effect which the Insurrection act could be expected in reason to produce. Parliament was generally unwilling to travel out of the sphere of its own information. Yet he could not help mentioning one circumstance which had occurred in his experience, bearing very much upon this subject. The Dutch government was to Java what the English government had been to Ireland, with an excess, if possible, of the pernicious consequences resulting from that mode of rule. The character of the natives had obtained that atrocious complexion and character; that they were dreaded like the pestilence. No one could venture upon a short excursion into the country, without the defence of an armed escort. Their theft, cruelty and rapacity, caused them to be shunned as the very worst of evils; they were not allowed to come on board any of the ships which approached the coast, and their presence filled every one with consternation. Yet, such was the effect of the mild and just measures of government introduced by sir T. Raffles, that within four years afterwards, he (Mr. R.) was in the habit of travelling hundreds of miles in the interior, with no more than a single attendant. The House would do well, therefore, to suspend the bill, at least until they were better informed. It would be his duty, early in the next session of parliament, to move for a parliamentary inquiry into the state of Ireland—a mode which alone could satisfy the House as to the real state of that country, where measures of coercion and cruelty had for centuries been tried, and where, if enforced much longer, they must end in the destruction of our own empire. He would move that the bill be read a second time this day six months.

Mr. J. Smith did not believe that the bill would ever be made to agree with the institutions of a free government. He condemned the report of the committee as a mere garbling and collecting of evidence to excuse the passing of the bill. There should have been an extensive inquiry; and the subject warranted the calling great numbers of the best informed and least partial of the Irish community to give information upon it. He did not scruple to say, that there seemed to have been a premeditated neglect and delay upon this point, as if on purpose to carry the bill with the less molestation. It was useless to expect tranquillity from the

passing of the act, while parliament continued, with such strange perverseness, to refrain from all inquiry into the causes of the rebellion and riots which the bill was intended to cure. It was something singular in the history of this subject, that no inquiry had ever yet gone to investigate the causes. They all seemed to be set on foot for the purpose of warranting coercive measures to check the consequences. He wished to state one fact which was exemplary of the real state of that country. There was a riot in the county of Fermanagh, with the usual destructive consequences. It was to be observed, that this was a part of the country in which the Insurrection act was not in force. The noble marquis at the head of the Irish government sent down a gentleman duly qualified to inquire into the disturbances. Several persons were arrested over night, and the magistrates were to sit upon these cases the next morning. But when the morning came, all the Protestants were missing: they had been let out over night. Now, to that part of Ireland the Insurrection act had never been applied. It would be said, indeed, that the magistrates had not taken the necessary steps to get it applied, and he believed they had not. But he was told that a great number of these magistrates were Orangemen. The attorney-general told them that Orange associations were illegal, and yet the government of one part of Ireland was committed to the hands of Orangemen, while the other was placed under the Insurrection act. They were losing their time in talking about Ireland, unless they took measures to get to the bottom of the evil. An hon. baronet (sir F. Burdett) had suggested a plan of emigration for the relief of Ireland. He would not now give an opinion on that subject, but the population of Ireland might be too high. But, whatever were the causes of the evils of Ireland, whether population or tithes, the absence of the gentry, or misgovernment, they should examine and meet them.

Colonel Davies wished to explain the reasons why he should support a temporary renewal of the Insurrection act. His general opinion as to the state of Ireland had not changed, but the conduct of the Irish government had changed; and as he thought they were well disposed to the mass of the people, he was inclined to intrust them with this act. There was evidence before the committee that tranquillity could not be maintained without it.

Lord J. Russell said, he should not oppose the bill as a matter of course at all times; and under all circumstances: for at the several periods when it had been proposed, he had not voted against it. When it was proposed in 1807, it was supported by Mr. Grattan, because a war then existed, and there was then a French party in the country; but, it was his decided opinion, that the measure was not called for by the actual state of Ireland. While the distresses which had prevailed in that country were the immediate causes of disturbance which rendered extraordinary measures necessary, perhaps the existence of the Insurrection act might have been permitted; but now that it was confessed on all sides, that there was no such urgent distress, he felt called upon to oppose the continuance of the measure; because, by consenting to it, he should admit, that whenever the mis-government of a country might have produced evils, the suspension of the constitutional law, or the introduction of measures foreign to that law, were to be applied as remedies. Sir Lawrence Parsons said of this act when it was first proposed, that it was a violation of the principles of a free constitution. He (lord J. R.) not only thought that it was such a violation, but that it was a clumsy contrivance, unworthy of an enlightened government. If we were told that in Austria, or Prussia, or Russia, a law was in operation, by which the people were confined without light in their houses for twelve out of the twenty-four hours, should we hesitate to pronounce such a law to be arbitrary and absurd? Upon referring to the evidence, it would be found, that many of the persons who had been taken up under the Insurrection act, were such as had staid out at the public houses until after 9 o'clock, while others had been in the pursuit of cattle or other no less lawful occupations. Even the benevolent intentions of the chancellor of the Exchequer, in diminishing the duty on distilleries, had been frustrated; because the poor people, thus encouraged to drink a little more whiskey, had been seduced into the clutches of the Insurrection act. A question had been asked Serjeant Lloyd, who had been employed in the administration of the act, whether the persons taken up under it, were not generally very desperate characters. He answered, that they were generally persons of good character, and poor helpless people, totally ignorant of the provisions

of the act; yet these poor people were kept in prison twenty, thirty, or forty days, for having staid too long at a public-house, or a fair. The law intrusted discretion (which lord Camden called the law of tyrants) to the persons employed in every stage of its operation. First, discretion was given to the petty constables to take up or not the persons found out at night; then to the magistrates to commit them or not; then to those who tried them to acquit them, though it should be clear that they were out at night; and, lastly, there was discretion to the lord lieutenant—a discretion, he admitted, that was wisely and humanely exercised, to remit or execute the sentence. Men were taken up wholesale by night; and then, on the investigation of their character, it depended whether or not they should be transported. Nothing could be more unlike law and justice, or the British constitution, than this. The result of the operation of this act had been such as might have been expected. Of the ten counties from which returns had been furnished, it appeared, that in Kildare not one person had been punished, although 87 had been apprehended; in Kilkenny and Cork, there had not been one; in Clare, of 189 put in prison, only four had been convicted; in Kerry, only one convicted out of 132 taken up; and in King's County and Limerick, one only convicted in each. So small a number had been punished in seven out of the ten counties. He ought not to say punished, but condemned; for there was a grievous punishment of imprisonment on the mass who were committed; and afterwards found innocent—an infliction which could not fail to strengthen the rooted distaste to all legal tribunals, and the hatred to all legal authority, in the mass of the people of Ireland. It was necessary to put an end to the shameful system of compromise which had so long existed. It was his firm conviction, that the only measure by which tranquillity could be restored to Ireland, would be by establishing an equal law for the whole of the people: by making the government independent of religion, and the power of the state a purely political power; and by causing religious disputes (if such disputes there must be) to be between the subjects themselves, and not between the subjects and the state. If this were carried into effect, he had no doubt that the lapse of a very short period would present Ireland under a very

different aspect. He should vote against the measure for the reasons he had stated, and for this additional one—that the House by refusing to sanction it now, would drive ministers to furnish the remedy which was in their power; and not permit them to postpone it for another year.

Mr. Goulburn said, he felt as strongly as any man could feel, when it was his painful duty to propose this measure, that it was in some degree a departure from the principles of the constitution. He was quite aware that the severity of its enactments exposed it to be argued against as liable to abuse; yet he was conscious, also, that a state of things existed which called upon parliament to interfere with some means for the protection of property, and for putting down, even with extraordinary vigour, those lawless persons who were confederated to subvert the constitution. Those were the principles upon which he had formerly called for, and those were the grounds upon which he now rested the necessity of the measure. If any man would read over the evidence, he would feel satisfied that the state of things in Ireland required the application of some extraordinary measure. Previous to the introduction of the Insurrection act, the peaceable inhabitants of the county were compelled to have their houses barricaded; and as soon as it had passed, the necessity for such precaution had ceased. Now, what gentleman would like to retire from the discharge of his public duties to such a country as that; or who would dare to reside in Ireland if parliament refused to pass the measure? It might be said, that this was a state of things which formerly existed, but that it was now at an end. He was ready to admit that the evil was not now in so aggravated a state; but, let it not be forgotten, that the decrease of disturbance was mainly owing to the Insurrection act. The question then was, should we or should we not continue this measure until the government had an opportunity of examining into all the causes of discontent, and of laying before parliament some measure for effecting the permanent tranquillity of the country. Much had been said of the present condition of Ireland resulting from centuries of misrule; and he would ask, whether there was any enthusiast so wild as to entertain an expectation, that the exertions of a few weeks could remove the evils of ages? He was convinced that this measure was essential to the security

of Ireland. It was erroneous to suppose that the disturbances arose merely upon religious grounds. The attacks were not merely made upon Protestants, but Catholics also; in fact, it was, insurrection against property. With respect to the Catholic question, on the success of which some supposed so much good depended, his opinions were well known: but, without entering into the grounds of those opinions, he would say, it was idle to suppose that Catholic emancipation alone could remove the evil. But, would the House postpone a measure of immediate necessity, until some measure of Catholic emancipation could be brought forward that would give general satisfaction? He asked for this law for the protection of that part of the population who were orderly and obedient; not for the purposes of oppression, or to support the government. There was no disposition in that government to aggravate the severity of the law; and, as the evidence shewed, it had been so administered, as to extort approbation even from those who were the most determined opponents of the measures. He hoped the House would not now refuse to pass the act; for it was absolutely necessary to give security to the industrious peasant, and efficacy to those improvements which, under its protection, had been begun.

Mr. Abercromby said, it was impossible that parliament, considering how often this law had been passed as a temporary measure, could consent to its re-enactment, without recording its own disgrace in sanctioning such repeated acts of misgovernment. In the view which he took of it, he regretted that he differed from the almost unanimous opinion of the committee. At the same time he was not at all disposed to undervalue the labours of that committee, as far as they had gone, they had been most important: a great deal of valuable information had been acquired by them which would, he had no doubt be of considerable service. Much, however, as he respected the exertions of the committee, he could not be very sanguine in his hopes of the ultimate result of their labours. They, as a committee, could only recommend: they could not legislate. He was anxious, therefore, that too great expectations should not be raised. It was admitted on all hands, that a very strong necessity should exist to justify this bill. When he looked at the opinions of some most respectable individ-

uals in the committee, he found they were positive as to the existence of such necessity at the present time; but when he examined the evidence on which such opinions were founded, it presented to his mind the strongest proof of the force of many of the objections which had been made against the bill, and to which he should come by and by. It was admitted on all hands, that one of the greatest evils of Ireland was a want of confidence in the law. It was not looked up to by the great mass of the people as a source of protection, but dreaded as an instrument of oppression. Now, he would beg the House to consider how the present bill would operate on such a general feeling. It was intended as a measure rather of prevention than cure: but could it be pretended, that such a measure would increase the confidence of the people in the law? Let the House recollect the great number of persons who had already been operated upon by the law—who had been dragged from their homes, confined for five or six weeks in a gaol, on charges of being out after sun-set, and then, after enduring so much, brought to trial and acquitted. Was the renewal of such a measure calculated to increase the confidence of the people in the law; and was it not too much to turn round upon a people so treated, and say, that it should be renewed on the ground, that they had not confidence in the law, and could not respect the magistrates by whom they had been so committed? Let the House judge of the way in which this act had been used, from what had taken place in one county alone. In the county of Cork nearly 400 persons had been committed for trial under the Insurrection act; and of that number, not more than 74 had been convicted. Could it be possible that such persons should not be dissatisfied with such a law and with those who administered it? He could not avoid calling the attention of the House to one part of the evidence of Serjeant Lloyd, as to the operation of the act, and the kind of persons who often suffered by it. That gentleman was asked—"Does it not frequently happen that persons who are apprehended upon the charge merely of being out of their houses within the time proscribed by the Insurrection act, are men of most desperate character?" His answer was—"In general most of the men who were brought before me for that offence, received a good cha-

acter—that is, they, received a character for being quiet and tranquil in the county where they resided; they were miserable creatures, and I believe quite ignorant of the provisions of the Insurrection act." After hearing such an opinion as this from a gentleman whose official situation rendered him so well qualified to form it, how could the House frame any measure more calculated to render the law odious to the people than this?—Another objection to this measure arose from the discretionary power which it vested in the magistrates. In order to see the force of this objection, let the House ask, who those men were to whom such extraordinary powers were to be intrusted? He remembered, that in the year 1807, a complaint was made of the corruption of the Irish magistracy. The complaint was repelled with indignation; and it was confidently asserted on the opposite bench, that there was not one corrupt magistrate in all Ireland. He spoke from his own recollection of the circumstance. He could not have believed that such a statement would have been made, if he had not heard it. From that year the magistracy continued without any alteration; until within the last two or three years, when some revision took place, under lord Wellesley. Many were then superseded from the commission, but the purgation was not carried to the extent which it ought to have been. To magistrates of a description which needed considerable reformation, was this immense power to be intrusted by the present bill. He thought no such power should be given, unless they could have a more certain guarantee that it would not be abused. From the evidence of Mr. Lloyd, it appeared that he always observed that on the trials there was a greater tendency to convict the prisoner, in the magistrates in whose neighbourhood he had resided, than in those who lived at a distance. The very principle on which such a measure rested, tended to make the people look upon the magistrates with distrust and suspicion. Then, looking at the bill as a measure of prevention, he would ask how it could so operate on a people who looked upon it as no degradation to be tried under the act, but considered all those who suffered punishment under it as heroes and martyrs? Not so was a conviction before the tribunals regarded. There the people had an idea of receiving greater and more impartial

justice, and the decisions of such courts were therefore more regarded. There were many other objections to the measure; but he was anxious to rest his opposition to it on the ground of its alienating the people from obedience, rendering the laws odious, and sowing the seeds of future discontent and turbulence. It had been said that the law had put down combinations; but the fact was, that the combinations had been put down by the approvers, and it so happened, that not one of them had appeared before the tribunals constituted by this act, but before the ordinary tribunals. He objected to giving the government extraordinary powers until he saw that they were used for good purposes. The people were growing more formidable every day; they were getting enlightened by education, and wealthy by industry; and, as they were more instructed and more opulent, acquired a keener sense of their degradation. As long as the great mass of the inhabitants were kept in a state of degradation, it would be hopeless to look for permanent tranquillity. As long as a large class found themselves excluded from those honours and that rank to which the increasing wealth of many amongst them aspired, so long would discontent prevail in the country. The hon. and learned gentleman then proceeded to point out the dangers to this country, from allowing Ireland to remain in her present state, should any of the continental powers be disposed to take advantage of their discontents, and wish to make alliance with the people of Ireland; and concluded by observing, that England, by embracing the opportunity which was still open to her, might by conciliation render Ireland a source of permanent strength to the British empire.

Mr. Secretary *Peel* said, he concurred with the opponents of the bill in admitting it to be unconstitutional and severe, and regretted its necessity; but as to its efficacy, he altogether differed from them. If it could be shewn that not only was the measure unconstitutional, but also inefficient, then indeed the objections to it would be unanswerable; but he maintained, that every thing which had yet transpired on the subject, had proved its efficacy. It was the unanimous opinion of the members of the committee—men differing widely in their general political views—that it would be unsafe for parliament to separate without giving to the executive government in Ireland the

powers conferred by this act. It was the unanimous opinion of the committee, that, as a measure of prevention, it had already been successful, and was likely to succeed better than any other, in preventing such lawless outrages as had afflicted several parts of Ireland last year. He asked for the bill only as a temporary measure, until the end of the next session, by which time he hoped all further cause for it would be removed. It had been objected to it, that Ireland was now tranquil, and did not call for it. It was asserted, that it had, and would continue to have, the effect of producing general discontent with the laws. These at least were not consistent objections, for if it had produced such discontent with the laws, that they were no longer respected, that would be one reason why it should be continued for a time longer. It was idle to say, that this measure was called for by the Protestants of Ireland, to enable them to oppress their Catholic fellow subjects. A greater libel on the Protestants of Ireland could not be uttered. No; it was called for to protect all dutiful and loyal subjects, without reference to any sect or class, from such outrages. It was for the protection of the poor peasant as well as of his rich landlord. They had already heard of the houses of landlords being barricaded during the night, and frequently during the day, so completely as to give to the interior the appearance of night. A very natural feeling of pity was expressed for the situation of those who had been obliged to resort to such means of protection; but, there was another class of persons who were equally entitled to pity, and to protection—he meant those industrious peasants whose thatched cottage afforded no such means of defence. From the evidence of Mr. Bennett it appeared, that the houses of almost all the peasantry were thatched, and of course easily destroyed by fire, and that very many peaceably disposed peasants were obliged to join in nightly depredation on others, to protect their own houses and families from being destroyed; which would be the case if they refused. Why should such persons be left without the protection afforded by this act? It appeared that, before the passing of this act, there were not less than fourteen murders committed in one barony in two years, and yet in not a single instance had the perpetrators been discovered. The Insurrection act was certainly a bad thing, but

murders and burnings were a great deal worse. He for one should be willing rather to live under such a law, than be nightly exposed to the fear of having his house burnt, and his wife and family driven out to be shot. He begged the House to recollect the case of Mr. Shee, where a whole family, consisting of sixteen persons were all destroyed by such a nightly attack. If the act prevented a single crime like this—kept a single family from such a fate—it was a benefit. The evidence shewed that combinations had been broken up. The House must at the same time recollect, that the measure was not to be the permanent law of the country. But would any person trust during the next winter to the “dove-like simplicity” to which the hon. member had alluded, for the security of Ireland; or could it be thought that the country would be tranquil without this measure? The seeds of discontent had been sown, according to the hon. member, who had begun with Strongbow, for centuries. Could one session of inquiry, then, be expected to root them up? He did not suppose the magistrates were all pure; that no instance of corruption could be found; that government had always been perfect; but, whatever might formerly have been the case, he was sure that since his present majesty’s accession, attention had been paid to improving the magistracy, and that measures of severity had been relaxed. Ireland had been relieved from taxation, and her other wants had been attended to. He wished as much as any gentleman, that religious animosities were abolished; he only differed with hon. members as to the efficacy of the plans which they recommended for this purpose.

Mr. *Trant* said, that convinced as he was, that Ireland would relapse into a state of anarchy and confusion if some such measure as the present were not adopted, he could not vote for the amendment, which would leave the peaceable and loyal inhabitants exposed to every species of outrage.

Mr. *Spring Rice* said, that he was desirous of stating the reasons which induced him to vote for the renewal of the act, and he had the authority of his right hon. friend, the member for Waterford, for stating, that his assent to it was grounded on the same reason; namely, that the inquiry was still pending, and he had little doubt that the ultimate result would be, that such a case would be made

out against the Insurrection act, that ministers themselves would be ashamed to propose its renewal.

Mr. *Denman* considered, that the renewal of the Insurrection act was paying too much for this inquiry; more especially as it was doubtful whether the act was not inefficacious. The report of the committee did not, he thought, deserve such an implicit mark of confidence; and of the evidence, as it was before the House, they could judge for themselves. He had understood, at the commencement of the session, from the secretary for Ireland, that the clause should not be renewed which enacted, that any person found in a public-house, whether licensed or not, between the hours of nine in the evening, and six in the morning, at any season of the year, should be liable to be transported for seven years. Yet this clause was not omitted in the bill which had been sent down from the House of Lords. The evidence gave them a little insight of the causes of the discontents in Ireland. From that evidence it appeared, that the high rents and tithes extracted from the miserable inhabitants, were among the principal causes of those discontents which this bill was intended to suppress. He perfectly agreed with an hon. member, that the renewal of the Insurrection act was calculated to counteract all the moral effect which might otherwise be expected from the improvement of the police, the magistracy, and the nightly patrol and watch, as well as the advantages which might be anticipated from the introduction of a better system of education in Ireland. These were all moral causes, which would operate for the improvement of Ireland, if the baleful influence of this act did not prevent their activity. Was this the way to tranquillize a country, by bringing all under the act of accusation, and accounting as guilty all who were not able to prove their innocence? These were acts which ought not to be granted to any set of men. The government which wished to receive such powers showed that it did not know how to govern a great country on the principles of a free constitution. Under no circumstances would he give his consent to the passing of such an act as this.

Mr. *Vesey Fitzgerald* vindicated the conduct of the magistracy, and contended that the law, which no one ever considered as a remedial measure, had been carried into execution with the least possible

oppression to the individuals. He was no friend to such a measure; but, in the present state of Ireland, such a power must be intrusted. The committee had recommended it for a year, under the fullest conviction that the state of the country warranted it.

Mr. *Maurice Fitzgerald* said, he did not oppose this measure from any idea that its powers had been abused, or that it had been improperly acted on, either by the government of Ireland, the assessors, or the magistracy. He believed that no human being could do more to restrain the powers of government within mild and moderate limits than the marquis Wellesley had done. But he must oppose the measure, because it placed the magistracy, whom it vested with enormous powers, in a most invidious situation, with respect to the people of Ireland. Multitudes had been imprisoned, and few punished, under this act; the consequence of which was, that much irritation was excited, and little benefit effected. At the same time, he was bound to allow, that the magistrates and gentry of Ireland called for some strong and effectual powers of restraint and repression. But he would prefer to the operation of an Insurrection act, the institution of martial-law, in those provinces where the disturbances prevailed. Such a system of martial-law, for example, as that which the marquis Cornwallis established in Ireland, at the time when the enemy was in the country.

The House divided: for the second reading 112; against it 23.

MARINE INSURANCE BILL.] Mr. F. Buxton moved the third reading of this bill.

Mr. Alderman *Thompson* opposed the motion. There were, he said, six hundred persons interested in the measure, who had not had an opportunity of being heard by counsel against it.

Mr. *Plummer* also objected to the bill.

Mr. *Huskisson* regretted that the worthy alderman should offer any thing like a vexatious opposition to the passing of a measure, which had already been debated in every stage. The two chartered companies who were interested in the bill had been heard by counsel against it, and he should certainly object to the hearing any more counsel.

Mr. *Grenfell* could not admit that the bill had been sufficiently discussed.

The House divided: for the third reading 559; against it 159.

HOUSE OF LORDS.

Tuesday, June 15.

SCOTCH JUDICATURE BILL.] Lord Colchester moved the third reading of this bill.

Lord *Melville* approved of the bill, but thought there were some of the clauses which it would be better to postpone.

The Earl of *Liverpool*, though no person in that House was less qualified than himself to give an opinion of the details of the measure now proposed, was nevertheless quite convinced that no greater boon was ever offered to a country. An experience of many years had shewn the inconvenience of the present system, and the legislature was not called upon hastily to adopt the present measure. A commission had been appointed to investigate the subject, composed of twenty-six persons, who stood high in the profession of the law. The report which these gentlemen had made was the foundation of the present bill. It was not, however, a law which could be neither repealed nor amended; and if experience should shew that errors had been committed, parliament might remedy them. The bill did not shut the door against further improvement.

The Duke of *Athol* gave full praise to those who had introduced this measure; he knew they were actuated solely by a desire to confer on that part of the country a valuable boon. He was not, however, quite sure that those for whom it was intended, would see it in that light. He thought it would have been better if the bill had only been printed now, and allowed to stand over until next session.

The Earl of *Rosslyn* gave the bill his support with great satisfaction, because it was nearly word for word what was recommended by the report.

The Lord Chancellor did not think he should be doing his duty to his majesty's subjects in Scotland, if he did not state that this bill met with his cordial approbation.

Lord *Redesdale* also supported the bill. The number of appeals which came from that part of the country, was a convincing proof that something was wrong in the administration of justice.

The bill was then read a third time.

EQUITABLE LOAN BILL.] The Earl of Hardwicke moved, that the order to hear counsel at the bar against this bill be discharged.

The Earl of *Lauderdale* said, that the bill was a most important one. By the first clause, the company, who, if the hand-bills could be credited, were only anxious to benefit the poor, exonerated themselves from the usury laws, and were to be enabled to lend money to any amount without being punishable by them. Those laws, were very injurious, and ought to be done away, but he saw no reason for granting to a single company the privilege of being exempted from their operation. He had presented a petition from certain persons, praying to be heard at their lordships' bar against the bill. Their lordships had granted the prayer, and he had a petition to present, when the bill was read a second time, praying to be heard on all the clauses. Unless their lordships were prepared to shut their door against the people, they could not consent to the motion for discharging the order of the day.

The Earl of *Liverpool* said, he was not in the House when this order was made, or he should have objected to it. His vote on the bill itself would depend on the clauses; for if it came out of the committee in its present shape, he should certainly oppose it. There was no reason for exempting the company from the operation of the usury laws. The bill was brought forward for a public object, and was of great importance. It was not their lordships practice to hear persons who advocated their individual interests at that stage of the bill. He thought their lordships should discharge the order and allow the bill to be read a second time.

The Earl of *Lauderdale* thought the doctrine just held by the noble earl, was both novel and dangerous.

The *Lord-Chancellor* understood this to be a private bill; and on such bills it was their lordships practice to hear counsel on the principle. He could not consent to discharge the order to hear counsel against the bill.

The House then divided: for the discharge of the order 26; against it 17.

The Earl of *Lauderdale* opposed the second reading of the bill. It would deprive a body of men of their business, for the purpose of giving it to a company who were totally incapable of carrying it on.

The *Lord Chancellor* said, that if this bill came out of the committee as it now stood, there was hardly a sentence of it which he should not feel it his duty to oppose.

Lord Redesdale could not consent to the second reading. There was one objection which struck him as decisively against it. Pawnbrokers could be punished criminally; but how could the company be punished? If a pawnbroker received stolen goods, he might be indicted and punished; but, how could the company be proceeded against in such a case? Their lordships should also be careful how they allowed so many companies with large capitals to be formed, as they might have a dangerous influence on the constitution and government of the country. He would exhort the noble earl at the head of the Treasury to give this point his serious consideration.

The Earl of *Westmorland* expressed his perfect concurrence in the sentiments of the noble lord who had just sat down. The creation of so many companies might be dangerous to the state; and, so far from promoting trade, they only established monopolies, and ruined individuals. He would vote against the bill.

The House divided: for the second reading 17; against it 14.

HOUSE OF COMMONS.

Tuesday, June 15.

PETITION OF ROBERT BELL, COMPLAINING OF BEING CALLED UPON BY THE WAR OFFICE TO PAY MONEY AS A SURETY.] Sir *James Mackintosh* said, he rose for the purpose of presenting two petitions to the consideration of the House. He should begin with that which adverted to a case of individual hardship, and subsequently submit the other, which referred to the general interests of the empire. The individual who made his complaint to the House, was aware that he could not obtain here a specific redress for the grievances of which he complained; but he trusted, that, under the extraordinary circumstances of the case, and the severity of the evil which, through no fault of his, was now about to be visited on him, he might be able, through the authority and power of the House of Commons, to have extended to him the lenity and indulgence of the War-office. About twenty-five years ago the petitioner, Mr. Robert Bell, the proprietor and editor of "The Weekly

Dispatch" newspaper, became one of the sureties of Mr. James Workman, who was then appointed paymaster to a regiment of infantry. It was within his (sir James's) recollection, that so far back as the period when lord Eldon presided in the Common Pleas, he (sir James) was of counsel for Mr. Workman, in an action which that gentleman brought against the colonel of that very regiment, for having imputed to him disloyal opinions. He mentioned the fact to shew the distance of time at which the transaction took place, out of which the present petition arose. It appeared now that Mr. Workman was a debtor to the Crown for certain monies advanced to him in his capacity of paymaster, and for that debt a claim had, within the last five weeks, been made on Mr. Robert Bell, one of his sureties. The petitioner stated positively, that after the regiment had been disbanded, Mr. Workman came to London, where he resided, and that if due diligence had been made by the proper officers of the Crown, he would have been forthcoming to answer for any balance. He (sir James) did not impute blame to any person; but it was extraordinary that the claim had not been made at the proper time. He did not say that the noble lord, in making the claim on the sureties now, was pushing the powers of the government beyond the legal bounds; but he felt, that, nevertheless, the petitioner having never heard of the claim for such a number of years, was justified in believing that the whole of the accounts of Mr. Workman had been satisfactorily settled. It was true that there existed no statute of limitations, by which the claims of the Crown, as in individual transactions, were circumscribed; but, a sense of justice, and the common feelings of mankind warranted the inference, that they should adapt themselves, in some degree, to such a principle. Might not the greatest degree of cruelty and injustice be inflicted on families, in consequence of letting loose under the power of the government, these long dormant demands? If the House should feel disposed to manifest any disposition as to the peculiar case of the petitioner, the noble secretary at war, he was persuaded, would feel rejoiced to be relieved, by such an indication, from the enforcement of such a rigorous act of public duty. If the noble lord felt himself bound by the rules of office, he would at the same time consider, that those rules were in such an extreme case, very un-

reasonable, and that no public inconvenience could follow their relaxation in this individual case. He begged leave to move that the petition be read.

Lord Palmerston said, he would state the circumstances of this case very shortly, that the House might see that it was not that case of hardship which the learned gentleman had described it to be. The petitioner, Mr. Bell, had become surety for Mr. Paymaster Workman; and it was only in consequence of his joining with another gentleman in a surety-bond, that the public money had ever been intrusted into that person's hands. As it was therefore by their own spontaneous act, that they had rendered themselves liable for Mr. Workman's deficiencies, he did not see what reason they had to complain of being now called upon to make them good. Now, Mr. Workman ceased to act, as paymaster in 1800, and had then rendered his accounts. Any body who had heard the statement of the learned gentleman would suppose that, from the year 1800 to the year 1824, no step had been taken by government to examine those accounts, or to make Mr. Workman's sureties cognizable for the errors which they contained. Now, the reverse was the fact. In the year 1808, Mr. Workman's accounts were examined. The result of that examination was communicated to him immediately. Abstracts of the examination were also sent to the agent of the corps. The agent of the corps, in return, applied to the War-office, for information as to the residence of Mr. Workman's sureties. That information the War-office communicated, and the agent then wrote to the sureties, informing them of the sum in which Mr. Workman had left his accounts deficient. There was, therefore, no fault attributable to the War-office, for not having given the sureties the opportunity of settling these accounts with their principal. These accounts of Mr. Workman formed part of the arrears, which, owing to the multiplicity of accounts, accumulated during the war; and it was not till very lately that they had again fallen under the notice of the department with which he was connected. Upon finding them unsettled in 1824, he had ordered them to be revised, and had also directed application for the balance of them to be made to the sureties. In consequence of certain rules which he had laid down in his office with regard to the accounts of deceased pay-

masters, 1,164*l.* was struck off the claim which might have been made upon them; and the only claim for which they were now liable was 150*l.* With respect to the doctrine laid down by the learned gentleman, that public debtors were to be released from all liability in cases where a considerable lapse of time had taken place without a demand being made upon them, he thought the justice of the case was quite the other way; instead of claiming a remission of the debt, they ought to be thankful that they were not called upon to pay interest upon it. In conclusion, he contended, that this case did not require the interference of the House, and was one in which he should not be justified in taking any other course than that which he had done.

Mr. *Hume* felt great pleasure that this subject had been taken up by his learned friend, especially as the case was only one of a very numerous class of grievances. He was of opinion that, after the lapse of a certain number of years, the government ought to have no stronger claim on a man's property than any of his private creditors. The noble lord had said, that communication had been made in 1808 to Mr. Workman's sureties, regarding the deficiency in that individual's accounts. Would the noble lord undertake to say that such communication had been received by the sureties, or produce any answer from them admitting the receipt of it? The noble lord had likewise said, that the sureties became so by their own voluntary act. He admitted it; but it ought not to be forgotten, that they became sureties under the idea that government would perform its duty, in regularly overlooking the accounts of the party for whom they engaged, and in communicating to them on the instant any deficiencies which it might discover in them. Now, it appeared from the noble lord's own statement, that Mr. Workman gave in his accounts in 1800, and that nothing was said to the sureties about any deficiency in them till 1808. How came it, too, that sixteen years had been allowed to pass over in silence since that notice was said to have been given? He thought it was a great oppression on the part of the government to bring forward this claim at this period against the sureties, who, by the negligence of government, had lost the opportunity which they once had of recovering the money of Mr. Workman. Mr. Workman had gone to America

shortly after the peace of 1801, and had there risen to the rank of Chief Justice of New Orleans; a situation of emolument, which would have enabled him to have repaid the sum now claimed of his sureties. He was sorry he did not see the chancellor of the Exchequer in his place, as that right hon. gentleman had acted with great liberality to persons in a similar situation with the petitioner. He had himself presented two petitions from individuals, on whom a demand had been made for arrears of legacy duty due in one case 26 years, and in the other 32 years ago; and the consequence of the discussion which had taken place upon them had been, that the right hon. gentleman had used his influence to procure the issuing of a Treasury minute, restricting the recovery of all arrears of legacy duty to those due since the year 1805.

Sir *J. Mackintosh* said, that Mr. Workman was a man of considerable talent, and had filled a high judicial station under the government of the United States of America. There was no account of his death. Indeed, within the last three years, he had received a law book written by him. He did hope, that the publicity given through the ordinary channels of the proceedings of that House would advise him, if living, of what had passed; and he had no doubt he would at once meet the claims of the government.

Ordered to lie on the table.

RECOGNITION OF THE INDEPENDENCE OF SOUTH AMERICA—LONDON PETITION FOR.] Sir *James Mackintosh* rose and said *—

Mr. Speaker; I hold in my hand a petition from the Merchants of the city of London who are engaged in trade with the countries of America formerly subject to the crown of Spain, praying that the House would adopt such measures as to them may seem meet, to induce his majesty's government to Recognize the Independence of the states in those countries who have in fact established independent governments. In presenting this petition, I think it right to give the House such information as I possess relating to the number and character of the petitioners, that it may be seen how far they are what they profess to be; what are their means of knowledge; what are likely to be the motives of their application;

* From the original edition, printed for Messrs. Longman.

what faith is due to their testimony; and what weight ought to be allowed to their judgment. Their number is one hundred and seventeen. Each of them is a member of a considerable commercial house interested in the trade to America. The petition therefore conveys the sentiments of three or four hundred merchants. The signatures were collected in two days without a public meeting or even an advertisement; it was confined to the American merchants, but the petitioners have no reason to believe that any merchant in London would have declined to put his name to it. I am but imperfectly qualified to estimate the importance and station of the petitioners. Judging from common information, I should consider many of them as in the first rank of the mercantile community. I see among them the firm of Baring and company, which, without disparagement to any others, may be placed at the head of the commercial establishments of the world. I see also the firms of Herring, Powles and company; of Richardson and company; Goldsmith and company; Montefiori and company; of Mr. Benjamin Shaw, who as chairman of Lloyd's coffee-house represents the most numerous and diversified interests of traffic; together with many others not equally known to me, but whom, if I did know, I have no doubt that I might with truth describe as persons of the highest mercantile respectability. I perceive among them the name of Ricardo, which I shall ever honour, and cannot now pronounce without emotion. In a word, the petitioners are the city of London. They contain individuals of all political parties; they are deeply interested in the subject, perfectly conversant with all its commercial bearings; and they could not fill the high place where they stand, if they were not as much distinguished by intelligence and probity, as by those inferior advantages of wealth, which with them are not fortunate accidents, but proofs of personal worth and professional merit.

If it had been my intention to enter fully on this subject, and especially to discuss it adversely to the king's government, I might have chosen a different form of presenting it to the House. But though I am and ever shall be a member of a party associated, as I conceive, for preserving the liberties of the kingdom, I present this petition in the spirit of those by whom it is subscribed, in the hope of

relieving that anxious desire which pervades the commercial world—and which is also shared by the people of England,—that the present session may not close without some discussion or some explanation on this important subject, as far as that explanation can be given without inconvenience to the public service. For such a purpose the presentation of a petition affords a convenient opportunity, both because it implies the absence of any intention to blame the past measures of government as foreign from the wishes of the petitioners, and because it does not naturally require to be followed by any motion which might be represented as an invasion of the prerogative of the Crown, or as a restraint on the discretion of its constitutional advisers.

At the same time I must add, that in whatever form or at whatever period of the session I had brought this subject forward, I do not think that I should have felt myself called upon to discuss it in a tone very different from that which the nature of the present occasion appears to me to require. On a question of policy, where various opinions may be formed about the past, and where the only important part is necessarily prospective, I should naturally have wished to speak in a deliberative temper. However much I might lament the delays which had occurred in the recognition of the American states, I could hardly have gone further than strongly to urge that the time was now, at least, come for more decisive measures. With respect indeed to the State Papers laid before us, I see nothing in them to blame or to regret, unless it be that excess of tenderness and forbearance towards the feelings and pretensions of European Spain which the dispatches themselves acknowledge. In all other respects I can only describe them as containing a body of liberal maxims of policy and just principles of public law, expressed with a precision, a circumspection, and a dignity which will always render them models and masterpieces of diplomatic composition. Far from assailing these valuable documents, it is my object to uphold their doctrines, to reason from their principles, and to contend for nothing more than that the future policy of England on this subject may be governed by them. On them I rest. From them seems to me to flow every consequence respecting the future which I think most desirable. I should naturally have had

no other task than that of quoting them, of showing the stage to which they had conducted the question, of unfolding their import where they are too short for the generality of readers, and of enforcing their application to all that yet remains undone. But something more is made necessary by the confusion and misconception which prevail on one part of this subject. I have observed with astonishment, that persons otherwise well informed should here betray a forgetfulness of the most celebrated events in history, and an unacquaintance with the plainest principles of international law, which I should not have thought possible if I had not known to be real. I am therefore obliged to justify these State Papers before I appeal to them. I must go back for a moment to those elementary principles which are so grossly misunderstood. And first, with respect to the term "Recognition," the introduction of which into these discussions has proved the principal occasion of darkness and error. It is a term which is used in two senses so different from each other as to have nothing very important in common. The first, which is the true and legitimate sense of the word "Recognition" as a technical term of international law, is that in which it denotes the explicit acknowledgment of the independence of a country by a state which formerly exercised sovereignty over it. Spain has been doomed to exhibit more examples of this species of recognition than any other European state; of which the most memorable cases are the acknowledgment of the independence of Portugal and Holland. This country also paid the penalty of evil counsels in that hour of folly and infatuation which led to a hostile separation between the American colonies and their mother country. Such recognitions are renunciations of sovereignty. They are a surrender of the power or of the claim to govern. They are of the utmost importance, as quieting possession and extinguishing a foreign pretension to authority: they free a nation from the evils of a disputed sovereignty: they remove the only competitor who can with any colour of right contend against the actual government; and they secure to a country the advantage of undisputed independence.

But we, who are as foreign to the Spanish states in America as we are to Spain herself, who never had any more authority over them than over her, have

in this case no claims to renounce, no power to abdicate, no sovereignty to resign, no legal rights to confer. They are as independent without our acknowledgment of their independence as with it. No act of ours can even remove an obstacle which stands in the way of their independence, or withdraw any force which disturbs its exercise. What we have to do, is therefore not recognition in its first and most strictly proper sense. It is not by formal stipulations or solemn declarations that we are to recognize the American states; but by measures of practical policy which imply that we acknowledge their independence. Our recognition is virtual. We are called upon to treat them as independent; to establish with them the same relations and the same intercourse which we are accustomed to maintain with other governments; to deal with them in every respect as commonwealths entitled to admission into the great society of civilized states. The most conspicuous part of such a practical recognition, is the act of sending and receiving diplomatic agents. It implies no guarantee, no alliance, no aid, no approbation of the successful revolt; no intimation of an opinion concerning the justice or injustice of the means by which it has been accomplished. These are matters beyond our jurisdiction. It would be usurpation in us to sit in judgment upon them. As a state, we can neither condemn nor justify revolutions which do not affect our safety and are not amenable to our laws. We deal with the authorities of new states, on the same principles and for the same object as with those of old. We consider them as governments actually exercising authority over the people of a country, with whom we are called upon to maintain a regular intercourse by diplomatic agents for the interests of Great Britain and for the security of British subjects. The principle which requires such an intercourse is the same, whether governments be old or new. Antiquity affords a presumption of stability, which, like all other presumptions, may and does fail in particular instances. But in itself it is nothing; and when it ceases to indicate stability, it ought to be regarded by a foreign country as of no account. The tacit recognition of a new state, with which alone I am now concerned, not being a judgment for the new government, or against the old, is not a deviation from perfect neutrality, or a cause of just offence

to the dispossessed ruler.* When Great Britain recognized the United States, it was a concession by the recognizing power of which the object was the advantage and security of the government recognized. But when Great Britain (I hope very soon) recognizes the states of Spanish America, it will not be as a concession to them, for they need no such recognition; but it will be for her own sake, to promote her own interest; to protect the trade and navigation of her subjects; to

* These doctrines are so indisputable that they are not controverted even by the jurists of the Holy Alliance, whose writings in every other respect bear the most ignominious marks of the servitude of the human understanding under the empire of that confederacy. Martens, who in the last edition of his Summary of International law has sacrificed even the principle of national independence (Liv. III. c. ii. s. 74.), without which no such law could be conceived, yet speaks as follows on recognitions:—"Quant à la simple reconnaissance, il semble qu'une nation étrangère, n'étant pas obligée à juger de la légitimité, peut toutes les fois qu'elle est douteuse se permettre de s'attacher au seul fait de la possession, et traiter comme indépendant de son ancien Gouvernement, l'état ou la province qui jouit dans le fait de l'indépendance, sans blesser par là les devoirs d'une rigoureuse neutralité."—Martens, Précis du droit des Gens, Liv. III. c. ii. s. 80. Goett. 1821. Yet a comparison of the above sentence with the parallel passage of the same book in the edition of 1789 is a mortifying specimen of the decline of liberty of opinion in Europe.

Even Kluber, the publisher of the proceedings of the congress of Vienna, assents to the same doctrine, though he insidiously contrives the means of evading it by the insertion of one or two ambiguous words:—"La souveraineté est acquise par un état, ou lors de sa fondation ou bien lorsqu'il se dégage légitimement de la dépendance dans laquelle il se trouvait. Pour être valide, elle n'a pas besoin d'être reconnue ou garantie par une puissance quelconque; pourvu que la possession ne soit pas vicieuse."—Kluber, Droit des Gens, Part. i. c. i. s. 23. Stutgard, 1819.

Mr. Kluber would find it difficult to answer the question "Who is to judge whether the acquisition of independence be legitimate or its possession vicious?" and it is evident that the latter qualification is utterly unmeaning; for if there be an original fault which vitiates the possession of independence, it cannot be removed by foreign recognition, which, according to this writer himself, is needless where the independence is lawful, and must therefore be useless in those cases where he insinuates, rather than asserts, that foreign states are bound or entitled to treat it as unlawful.

acquire the best means of cultivating friendly relations with important countries, and of composing by immediate negotiation those differences which might otherwise terminate in war. The first species of recognition is for the benefit of the state which is acknowledged. The second is for the benefit of the state which makes the acknowledgment. The first is the waiver of a legal pretension. The second, only the acknowledgment of a fact, together with a policy required by that acknowledgment. Are these new doctrines? Quite the contrary. They are founded on the ancient practice of Europe. They have been acted upon for more than two centuries by England as well as other nations.

I have already generally alluded to the memorable and glorious revolt by which the United Provinces of the Netherlands threw off the yoke of Spain. Nearly fourscore years passed from the beginning of that just insurrection, to the time when a recognition of independence was at last extorted from Castilian pride and obstinacy.

The people of the Netherlands first took up arms to obtain the redress of intolerable grievances, and for many years they forbore from proceeding to the last extremity against their tyrannical king.* It was not till Philip had formally proscribed the prince of Orange (the purest and most perfect model of a patriotic hero), putting a price on his head, and promising not only pardon for every crime, but the honours of nobility† to any one who should assassinate him, that the states-general declared the king of

* The following are the words of their illustrious historian:—"Post longam dubitationem—ab ordinibus Belgarum Philippo, ob violatas leges, imperium abrogatum est; lataque in illum sententia cum quo, si verum fatemur, novem jam per annos bellatum erat; sed tunc primum desitum nomen ejus et insignia usurpari, mutataque verba solennis iurjurandi, ut qui princeps hactenus erat, hostis vocaretur. Hoc consilium vicinas apud gentes necessitate et tot irritis ante precibus excusatum, haud desiit Hispani ut scelus insectari, parum memores, pulsum a majoribus suis regno invisæ crudelitatis regem, eique prælatam stirpem non ex legibus genitam; ut jam taceantur vetera apud Francos, minus vetera apud Anglos, recentiora apud Danos et Sueonas dejectorum regum exempla."—Grotii Ann. Lib. iii. sub an. 1581.

† March 15, 1580. Dumont, Corps Diplom. v. 368.

Spain to have forfeited, by a long course of merciless tyranny, his rights of sovereignty over the Netherlands.* Several assassins attempted the life of the good and great prince of Orange: one wounded him dangerously; another consummated the murder—a zealot of what was then, as it is now, called legitimacy. He suffered the punishment due to his crime; but the king of Spain bestowed on his family the infamous nobility which had been earned by the assassin; an example which has also disgraced our age. Before and after that murder, the greatest vicissitudes of fortune had attended the arms of those who fought for the liberties of their country. Their chiefs were driven into exile; their armies were dispersed; the greatest and most opulent of the Belgic provinces, misled by priests, had made their peace with the tyrant. The greatest captains of the age commanded against them. The duke of Alva employed his valour and experience to quell the revolts which had been produced by his cruelty. The genius of the prince of Parma long threatened the infant liberty of Holland. Spinola balanced the consummate ability of prince Maurice, and kept up an equal contest, till Gustavus Adolphus rescued Europe from the holy allies of that age. The insurgents had seen with dread the armament called *Invincible*, which was designed, by the conquest of England, to destroy the last hopes of the Netherlands. Their independence appeared more than once to be annihilated—it was often endangered—it was to the last fiercely contested. The fortune of war was as often adverse as favourable to their arms.

It was not till the 30th of January 1648, nearly eighty years after the revolt, nearly seventy after the declaration of independence, that the crown of Spain, by the treaty of Munster, recognised the republic of the United Provinces, and renounced all pretensions to sovereignty over their territory. What, during that long period, was the policy of the European states? Did they wait for eighty years, till the obstinate punctilio or lazy pedantry of the Escorial was subdued? Did they forego all the advantages of friendly intercourse with a powerful and flourishing republic? Did they withhold from that republic the ordinary courtesy of keeping up a regular and open correspondence with her through

avowed and honourable ministers? Did they refuse to their own subjects that protection for their lives and properties, which such a correspondence alone could afford? All this they ought to have done, according to the principles of those who would resist the prayer of the petition in my hand.

But nothing of this was then done or dreamt of. Every state in Europe, except the German branch of the house of Austria, sent ministers to the Hague, and received those of the states-general. Their friendship was prized; their alliance courted, and defensive treaties formed with them by powers at peace with Spain, from the heroic Gustavus Adolphus to the barbarians of Persia and Muscovy. I say, nothing of Elizabeth, herself proscribed as an usurper, the stay of Holland, and the leader of the liberal party throughout Europe. But no one can question the authority, on this point, of her successor, the great professor of legitimacy, the founder of that doctrine of the divine right of kings, which led his family to destruction. As king of Scotland, in 1594, fifty-four years before the recognition by Spain, he recognised the states-general as the successors of the houses of Austria and Burgundy, by stipulating with them the renewal of a treaty concluded between his mother queen Mary and the emperor Charles 5th.

In 1604, when James made peace with Spain, eager as he was by that transaction to be admitted into the fraternity of legitimate kings, he was so far curbed by the counsellors of Elizabeth, that he adhered to his own and to her recognition of the independence of Holland; the court of Madrid virtually acknowledging by several articles* of the treaty, that such perseverance in the recognition was no breach of neutrality and no obstacle to friendship with Spain. At the very moment of the negotiation, Winwood was dispatched with new instructions as minister to the states-general. It is needless to add that England, at peace with Spain, continued to treat Holland as an independent state for the forty-four years which passed from that treaty to the recognition of Munster.

* See particularly Art. xii. and xiv. in Rymer xvi. The extreme anxiety of the English to adhere to their connexion with Holland, appears from the Instructions and Dispatches in Winwood, L. i.

The policy of England towards Portugal, though in itself far less memorable, is still more strikingly pertinent to the purpose of this argument. On the 1st of December 1640, the people of Portugal rose in arms against the tyranny of Spain, under which they had groaned about sixty years. They seated the duke of Braganza on the throne. In January 1641, the Cortes of the kingdom were assembled to legalize his authority, though seldom convoked by his successors after their power was consolidated. Did England then wait the pleasure of Spain? Did she desist from connexion with Portugal, till it appeared from long experience that the attempts of Spain to recover that country must be unavailing? Did she even require that the Braganza government should stand the test of time before she recognised its independent authority? No: within a year of the proclamation of the duke of Braganza by the Cortes, a treaty of peace and alliance was signed at Windsor between Chas. 1st, and John 4th, which not only treats with the latter as an independent sovereign, but expressly speaks of the king of Castile as a dispossessed ruler; and alleges on the part of the king of England, that he was moved to conclude this treaty "by his solicitude to preserve the tranquillity of his kingdoms, and to secure the liberty of trade of his beloved subjects."* The contest was carried on; the Spaniards obtained victories; they excited conspiracies; they created divisions. The palace of the king of Portugal was the scene of domestic discord, court intrigue, and meditated usurpation. There is no trace of any complaint or remonstrance, or even murmur, against the early recognition by England, though it was not till twenty-six years afterwards that Spain herself acknowledged the independence of Portugal, and (what is remarkable) made that acknowledgment in a treaty concluded under the mediation of England.†

To these examples let me add an observation upon a part of the practice of nations, strongly illustrative of the principles which ought to decide this question. All the powers of Europe treated England under the commonwealth and the protectorate, as retaining her rights of sovereignty. They recognised these govern-

ments as much as they had recognised the monarchy. The friends of Charles 2nd did not complain of this policy. That monarch, when restored, did not disallow the treaties of foreign powers with the republic or with Cromwell. Why? Because these powers were obliged, for the interest of their own subjects, to negotiate with the government which, whatever might be its character, was actually obeyed by the British nation. They pronounced no opinion on the legitimacy of that government; no judgment unfavourable to the claims of the exiled prince; they consulted only the security of the commerce and intercourse of their own subjects with the British islands.

It was quite otherwise with the recognition, by Louis 14th, of the son of James 2nd, when his father died, as king of Great Britain. As that prince was not acknowledged and obeyed in England, no interest of France required that Louis should maintain an intercourse or take any notice of his pretensions. A correspondence with the son of James 2nd could neither preserve peace between the two countries, nor protect the persons and properties of Frenchmen in England. That recognition was therefore justly resented by England as a wanton insult; as a direct interference in her internal affairs, as an assumption of authority to pronounce against the lawfulness of her government.* The recognition of the ruler in possession, however he may be called or thought an usurper, is therefore no wrong to the dispossessed claimant; but great wrong is done to the government which exercises authority by the recognition of a pretender.

* "Le Comté de Manchester, ambassadeur d'Angleterre, ne parut plus à Versailles après la reconnaissance du Prince de Galles, et partit, sans prendre congé quelques jours après l'arrivée du Roi à Fontainebleau. Le Roi Guillaume reçut en sa maison de Loq en Hollande la nouvelle de la mort du Roi Jacques et de cette reconnaissance. Il étoit alors à table avec quelques autres seigneurs. Il ne proféra pas une seule parole outre la nouvelle; mais il rougit, enfonça son chapeau, et ne put contenir son visage. Il envoya ordre à Londres d'en chasser sur le champ Poussin, et de lui faire repasser la mer aussitôt après. Il faisoit les affaires du Roi en l'absence d'un ambassadeur et d'un envoyé. Cet éclat fut suivi de près de la signature de la grande alliance défensive et offensive contre la France et l'Espagne, entre l'Empereur et l'Empire, l'Angleterre et la Hollande. — *Mém. de St. Simon.*

* Dumont, vi. 238.

† Treaty of Lisbon, February 23, 1668. Dumont, vii. 70.

who is without actual power, however just his pretensions to it may be believed to be.

I am aware, Sir, that our complaints of the interference of France in the American war may be quoted against my argument. Those who glance over the surface of history may see some likeness between that case and the present. But the resemblance is merely superficial. It disappears on the slightest examination. It was not of the establishment of diplomatic relations with America by France in 1778 that Great Britain complained. We now know from the last edition of the memoirs of the marquis de Bouille, that from the first appearance of discontent in 1765, the duc de Choiseul employed secret agents to excite commotion in North America. That gallant and accomplished officer himself was no stranger to these intrigues after the year 1768, when he became governor of Guadaloupe.*

It is well known that the same clandestine and treacherous machinations were continued to the last in a time of profound peace, and in spite of professions of amity so repeated and so solemn, that the breach of them produced a more than political resentment in the mind of king George 3rd, against the house of Bourbon. We also learn, from no contemptible authority, that at the very time that the preliminaries of peace were signed at Fontainebleau in 1762 by the duc de Choiseul and the duke of Bedford, the former of these ministers concluded a secret treaty with Spain, by which it was stipulated, that in eight years both powers should attack England; a design of which the removal of Choiseul defeated the execution†. The recognition was no more than the consummation and avowal of those dark designs which had so long been carried on. So conscious was the court of Versailles of their own perfidy, that they expected war to be the immediate consequence of it. On the same day with the treaty of commerce‡ they signed another secret treaty, eventual and defensive, with North America, by which it was stipulated, that in case of war between France and England during the war then waging, France and America should make common

cause. The division of the territories to be conquered was even provided for. Negligent and supine as were the English ministers, they can hardly be supposed to have been altogether ignorant of these secret treaties. The cause of war was not a mere recognition after a long warning to the mother country; after a more than generous forbearance shown to her dignity and claims, as it would be in the case with Spanish America; it was, that France, in defiance of the most solemn assurances of her ministers, and it is said of her sovereign, at length openly avowed those machinations to destroy the union between the British nation and the people of America—Englishmen by blood, and freemen by principle, dear to us by both ties, but most dear by the last—which they had carried on during so many years of peace and pretended friendship, and of which they themselves felt that this concluding act must produce war.

I now proceed to review the progress which we have already made towards the recognition of the states of Spanish America, as it appears in the papers before the House. I will not dwell on the statute 3 Geo. 4th, c. 43., which provides, "that the merchandize of countries in America or the West Indies, being or having been a part of the dominions of the king of Spain, may be imported into Great Britain in ships which are the built of these countries;" though that clause must be allowed to be an acknowledgment of independence, unless it could be said that the provinces separated from Spain were either countries without inhabitants, or inhabited by men without a government. Neither will I say any thing of the declaration made to Spain in November, that consuls must be immediately sent to South America, though I shall hereafter argue, that the appointment of consuls is as much an act of recognition as the appointment of higher ministers. Lord Liverpool indeed said, that it was "treating South America as independent," which is the only species of recognition which we have a right to make. I should be the last to blame the suspension of that purpose during the lawless and faithless invasion of Spain, then threatened, and soon after executed, which was undoubtedly a legitimate reason for doing nothing, however otherwise just and desirable, which could tend to weaken the Spanish government. So strongly was I convinced of the sacredness of that duty,

* Mém. de Bouille, p. 15. Paris, 1821, *Relation du Voyage de Louis XVI. à Varennes*, par M. le Duc de Choiseul, p. 14. Paris, 1822.
† Ferrand, *Trois Démembrements de la Pologne*, i. 76.

‡ Martens, *Recueil*, i. 701, February 6, 1778.

that I at that time declined to present a petition of a nature similar to that which I now offer to your consideration. Nothing under heaven could have induced me to give the slightest aid to the unrighteous violence which then menaced the independence of Spain.

The dispatch of Mr. Secretary Canning to Sir Charles Stuart, of the 31st of March 1823, is the first paper which I wish to recall to the remembrance and recommend to the serious attention of the House.* It declares, that time and events have decided the separation of Spanish America; that various circumstances in their internal condition may accelerate or retard the recognition of their independence; and it concludes with intelligibly intimating that Great Britain would resist the conquest of any part of these provinces by France. The most explicit warning was thus given to Spain, to France, and to all Europe, as well as to the states of Spanish America, that Great Britain considered their independence as certain; that she regarded the time of recognizing it as a question only of policy; and that she would not suffer foreign powers to interfere for preventing its establishment. France, indeed, is the only power named; but the reason of the case applied to every other, and extended as much to conquest under the name of Spain as if it were made avowedly for France.

The next document to which I shall refer is the memorandum of a conference between M. de Polignac and Mr. Secretary Canning on the 9th of October, 1823;† and I cannot help earnestly recommending to all persons who have any doubt with respect to the present state of this question, or to the footing on which it has stood for many months; who do not see or do not own that our determination has long been made and announced, to observe with care the force and extent of the language of the British government on this important occasion. "The British government," it is there said, "were of opinion that any attempt to bring Spanish America under its ancient submission must be utterly hopeless; that all negotiation for that purpose would be unsuccessful; and that the prolongation or renewal of war for the same object could be only a waste of human life, and an infliction of calamities on both parties to

no end." Language cannot more strongly declare the conviction of Great Britain that the issue of the contest was even then no longer doubtful; that there was indeed no longer any such contest as could affect the policy of foreign states towards America. As soon as we had made known our opinion in terms so positive to the European and American states, the pretensions of Spain could not in point of justice be any reason for a delay of recognition. It would be absurd to speak of equal contest after declaring the event to be certain, or to consider any measure of ours as capable of lessening the probability of the success of Spain when we had pronounced that all her attempts must be utterly hopeless. After declaring that we should remain, however, "strictly neutral if war should be unhappily prolonged," we go on to state more explicitly than before, "that the junction of any power in an enterprise of Spain against the colonies would be viewed as an entirely new question, upon which they must take such decision as the interest of Great Britain must require"—language which, however cautious and moderate in its forms, is in substance too clear to be misunderstood.

After this paragraph, no state in Europe had a right to affect surprise at the recognition, if it had been proclaimed on the following day. Still more clearly, if possible, is the same principle avowed in a subsequent paragraph, "that the British government had no desire to precipitate the recognition, so long as there was any reasonable chance of an accommodation with the mother country, by which such a recognition might come first from Spain. But that it could not wait indefinitely for that result; that it could not consent to make its recognition of the new states dependent on that of Spain; and that it would consider any foreign interference, either by force or by menace, in the dispute between Spain and the colonies, as a motive for recognising the latter without delay." And here in a matter less important I should be willing to stop, and to rest my case on this passage alone. Words cannot be more explicit. It is needless to comment on them, and impossible to evade them. We declare, that the only accommodation which we contemplate, is one which is to terminate in recognition by Spain; that we cannot indefinitely wait even for that result. We assert our right to recognise, whether

* See Vol. viii. p. 959.

† See Vol. x. p. 708.

Spain recognises or not; and we state a case in which we should immediately recognise, independently of the consent of the Spanish government, and without regard to the internal state of the American provinces. As a natural consequence of these positions, we decline any part in a proposed congress of European powers for regulating the affairs of America.

I cannot quit this document without paying a just tribute to that part which relates to commerce—to the firmness with which it asserts the right of this country to continue her important trade with America, as well as the necessity of the appointment of consuls for the protection of that trade; and the distinct annunciation, “that an attempt to renew the obsolete interdictions would be best cut short by a speedy and unqualified recognition of the independence of the South American states.” Still more do I applaud the declaration, “that Great Britain had no desire to set up any separate right to the free enjoyment of this trade; that she considered the force of circumstances and the irreversible progress of events to have already determined the question of the existence of that freedom for all the world.” These are declarations equally wise and admirable. They coincide indeed so evidently with the well-understood interest of every state, that it is mortifying to be compelled to speak of them as generous; but they are so much at variance with the base and short-sighted policy of governments, that it is refreshing and consolatory to meet them in the acts of state: at least when, as here, they must be sincere, because the circumstances of their promulgation secure their observance, and indeed render deviation from them impossible. I read them over and over with the utmost pleasure. They breathe the spirit of that just policy and sound philosophy, which teaches us to regard the interest of our country as best promoted by an increase of the industry, wealth and happiness of other nations.

Although the attention of the House is chiefly directed to the acts of our own government, it is not foreign from the purpose of my argument to solicit them for a few minutes, to consider the admirable message sent, on the 2nd of December 1823, by the president of the United States to the Congress of that great Republic. I heartily rejoice in the perfect agreement of that message with the principles professed by us to the French minister, and

afterwards to all the great powers of Europe, whether military or maritime, and to the great English state beyond the Atlantic. I am not anxious to ascertain whether the message was influenced by our communication, or was the mere result of similarity of principle and coincidence of interest. The United States had at all events long preceded us in the recognition. They sent consuls and commissioners two years before us. They found the greater part of South America quiet and secure; and in the agitations of the remainder, they found no obstacles to friendly intercourse with them. Their recognition of these States neither interrupted their amicable relations with Spain, nor occasioned remonstrances from any power in Europe. They declared their neutrality at the moment of recognition. They solemnly renew that declaration in the message before me. “With the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or in any way controlling their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between Spain and those new governments, we have declared our neutrality, and shall adhere to it, provided no change shall take place which shall make a corresponding change in the policy of the United States indispensable to their security. To what extent the allied powers may carry their system of interference in the internal affairs of nations, is a question in which all independent powers, whose governments differ from theirs, are interested; even those most remote, and surely none more so than the United States. It is impossible that they should extend their policy to any portion of either America, without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold this interposition in any form with indifference. If we look to the comparative strength and resources of Spain, and of those new governments, and to their distance from each other, it must be obvious that she can never subdue them.”

Thus does that wise government, in grave but determined language, and with

that reasonable and deliberate tone which becomes true courage, proclaim the principles of her policy, and make known the cases in which the care of her own safety will compel her to take up arms for the defence of other states. I have already observed its coincidence with the declarations of England; which indeed is perfect; if allowance be made for the deeper, or at least more immediate, interest in the independence of South America, which near neighbourhood gives to the United States. This coincidence of the two great English commonwealths (for so I delight to call them, and I heartily pray that they may be for ever united in the cause of justice and liberty) cannot be contemplated without the utmost pleasure by every enlightened citizen of either. Above all, Sir, there is one coincidence between them, which is, I trust, of happy augury to the whole civilized world. They have both declared their neutrality in the American contest as long as it shall be confined to Spain and her former colonies. But both require that it shall be limited to these original combatants. Both declare that no foreign power shall interfere; that if Spain should be converted into one of the fangs of the Holy Alliance, that beast of prey shall not be suffered to plunge it into the heart of America, nor to spread the baleful influence over the new Continent, under which the old already groans; that English liberty will resist it in America as English liberty will resist it in Europe. I will be bold enough to say that no minister ever existed who could now persuade England to connive at such new usurpations of the Holy Alliance. If any minister were to fail in the attempt to resist them, he would be speedily carried back to power with glory by the people. If any slave or bigot were found mean and hardy enough to purchase office by acquiescing in such connivance, the English nation would ignominiously hurl him from a station which he would disgrace.

On the 25th of December 1823, M. Ofalia, the Spanish minister for foreign affairs, proposed to the principle powers of Europe a conference at Paris on the best means of enabling his Catholic majesty to re-establish his legitimate authority, and to spread the blessings of his paternal government over the vast provinces of America which once acknowledged the supremacy of Spain. To this communication, which was made also to this

government, an answer was given which cannot be read without approbation and pleasure. Had it indeed been of an opposite sort, it would have caused the blood of every true Englishman to boil with indignation. In this answer, the proposition of a congress is once more rejected; the British government adheres to its original declaration, that it would wait for a time, but a limited time only, and would rejoice to see his Catholic majesty have the grace and advantage of taking the lead among the powers of Europe in the recognition of the American states, as well for the greater benefit and security of these states themselves, as from the generous disposition felt by Great Britain to spare the remains of dignity and grandeur, however infinitesimally small, which may still be fancied to belong to the thing called the crown of Spain. Even the shadow of long-departed greatness was treated with compassionate forbearance: but all these courtesies and decorums were to have their limit. The interest of Europe and America imposed higher duties, which were not to be violated for the sake of leaving undisturbed the precedents copied by public offices at Madrid, from the power of Charles 5th, or the arrogance of Philip 2nd. The principal circumstance in which this dispatch added to the proceeding, was, that it both laid a wider foundation for the policy of recognition, and made a much nearer approach to exactness in fixing the time beyond which it could not be delayed. "It appears manifest to the British government," says the dispatch, "that if so large a portion of the globe should remain much longer without any recognised political existence, or any definite political connexion with the established governments of Europe, the consequence of such a state of things must be at once most embarrassing to those governments, and most injurious to the interests of all European nations. For these reasons, and not from mere views of commercial policy, the British government is decidedly of opinion that the recognition of such of the new states as have established de facto their separate political existence, cannot be much longer delayed. The court of Madrid must be aware that the discretion of his majesty cannot be indefinitely bound up by that of his Catholic majesty, and that even before many months elapse; the desire now sincerely felt by the British government to leave this precedency to Spain may be over-

borne by considerations of a more comprehensive nature—considerations regarding not only the essential interests of his majesty's subjects, but the relations of the old world with the new."

The House can require nothing but to be reminded of these declarations. They are too explicit, precise, and even minute, to need the least explanation. The purport of the dispatch is, to warn Spain that the recognition cannot be delayed for many months; and the force of that warning is very much strengthened by the reasons which are assigned against delay. They distinguish it from a mere threat—and are of such a nature, that they render it impossible for a government to retreat from its declaration without sacrificing its honour, and incurring the imputation of being driven from its principles and interests by fear. I entreat the House to meditate on the grounds which are stated for early recognition. Are they not such, that, if they were sincerely and deliberately employed, they cannot be abandoned without dishonour, and without the danger which dishonour never fails to bring on great nations? But there can be no excuse for levity (if excuse in that case were possible), none for insincerity; for the dispatch of the 30th January is the consummation and conclusion of a series of measures and declarations which continued for nearly two critical and eventful years.

Subsequent to the 30th of January, I can have no official information, I have heard, and I believe, that Spain has answered this dispatch; that she repeats her invitation to England to send a minister to the proposed congress; and that she has notified the assent of Russia, Austria, France and Prussia to be parties to that proceeding. I have heard, and I also believe, that England on this occasion has proved true to herself; that, in conformity to her ancient character and inconsistency with her repeated declarations, she has declined all discussion of this question with the Holy or unholy Alliance. Would to God that we had from the beginning kept aloof from these congresses, in which we have made shipwreck of our ancient honour! If that were not possible, would to God that we had protested at least by silence and absence against that conspiracy at Verona, which has annihilated the liberties of continental Europe! In confirmation of the review which I have taken of the documents, I

may also here mention the declaration made in this House, that during the occupation of Spain by a French army, every armament against the Spanish ports must be considered as having a French character, and being therefore within the principle repeatedly laid down in the papers. Spain indeed, as a belligerent, can be now considered only as a fang of the Holy Alliance, powerless in itself, but which that monster has the power to arm with three-fold steel.

As the case now stands, I conceive it to be declared by Great Britain, that the acknowledgment of the independence of Spanish America is no breach of faith or neutrality towards Spain; that such an acknowledgment might long ago have been made without any violation of her rights or interposition in her affairs; that we have been for at least two years entitled to make it by all the rules of international law; that we have delayed it, from friendly consideration for the feelings and claims of the Spanish Government; that we have now carried our forbearance to the utmost verge of reasonable generosity; and, having exhausted all the offices of friendship and good neighbourhood, are at perfect liberty to consult only the interest of our own subjects, and the just pretensions of the American states. The time allowed to Spain for consideration of this great question is expired. Generosity towards her would now be injustice to the rest of the world. Having thus excluded Spain from any influence on our future policy, we still more clearly protest against the influence of other states, who never had any right to be consulted or heard by us on a subject absolutely foreign to them. We have refused to be a party to any congress of the Holy or unholy Alliance; we have, I hope, at length dissolved our unnatural union with them; and having resolutely declared our determination not to be influenced by their counsels, we should certainly not endure their insolent injustice if they dared to require that we should abstain from recognizing the independence of Spanish America. I cast from me, therefore, with scorn and disdain, the supposition that any other power will presume to interfere in our policy, or to question our undoubted right to use the best means of cultivating friendship with the American states.

In adopting this recognition now, we shall give just offence to no power; and

if we once suffer ourselves to be influenced by the apprehension of the danger of resisting unjust pretensions, we destroy the only bulwark of principle that guards a nation against falling into unconditional submission. There never was a time when it would be more perilous to make concessions, or to shew feebleness and fear. We live in an age of the most extravagant and monstrous pretensions supported by tremendous force. A confederacy of absolute monarchs claim the right of controlling the internal government of all nations. In the exercise of that usurped power they have already taken military possession of the whole continent of Europe. All continental governments either obey their laws or tremble at their displeasure. England has condemned their principles; she is independent of their power; they ascribe all the misfortunes of the present age to the example of her institutions; and they know that her laws must to the last moment of her independence protect that liberty of political discussion from which they profess to dread confusion, revolution, rapine and bloodshed. On England, therefore, they must look with irreconcilable hatred. They must desire her destruction. As long as she is free and powerful, their system is incomplete, all the precautions of their tyrannical policy are imperfect, and their oppressed subjects may once more turn their eyes to this island, indulging the hope that circumstances will one day compel us to exchange the alliance of kings for the friendship of nations.

I will not say that such a state of the world does not require a considerate and circumspect policy. I acknowledge, and should earnestly contend, that there never was a moment at which the continuance of peace was more desirable. After passing through all the sufferings of twenty years universal war, and feeling its internal evils perhaps more severely since its close than when it raged most widely and fiercely, we are only now beginning to taste the natural and genuine fruits of peace. The robust constitution of a free community is just showing its power to heal the deepest wounds, to compose obstinate convulsions, and to restore health and vigour to every disordered function or disabled member. I deprecate the occurrence of what must disturb this noble process—one of the miracles of liberty. But I am also firmly convinced, that prudence in the present circumstances of Europe

forbids every measure that can be represented as having the appearance of fear. If we carry our caution further than strict abstinence from injustice, we cannot doubt to what motive our forbearance will be imputed. It is very dangerous to yield to those whose pretensions are exorbitant. It is hard to compromise with those, whose safety may in their opinion require that we should be weakened and dishonoured. Let us not adopt any ambiguous policy, which may enable the Holy Alliance to cry out triumphantly, that after having declared to the world that we are entitled to recognize South America, and that it is our interest to cultivate her friendship; that the claims of Spain even on our generosity are now at an end, and that we set at nought all interposition of other powers; we still abstain from the advantageous exercise of an undisputed right, lest we should incur the displeasure of monarchs whose interference we profess to reject with indignation. Every delay is liable to that interpretation. The least scrupulous politicians condemn falsehood when it wears the appearance of fear. It may be sometimes unsafe to fire at the royal tiger who suddenly crosses your path in an eastern forest; but it is thought fully as dangerous to betray your fear by running away. Prudent men quietly pursue their road without altering their pace, without provoking or tempting the ferocious animal.

Having thus traced the progress of measures which have led us to the very verge of recognition, the question naturally presents itself, Why do we not now recognize? It is not so much my part to show cause for a new measure, as it is the duty of the government to tell us why they do not complete their own system. Every preparation is made, every adverse claim is rejected, ample notice is given to all parties. Why is the determination delayed? We are irrevocably pledged to maintain our principles, and to act on them towards America. We have cut off all honourable retreat. Why should we seem to hesitate? America expects from us the common marks of amity and respect. Spain cannot complain at their being granted. No other state can intimate an opinion on the subject, without an open attack on the independence of Great Britain. What then hinders the decisive word from being spoken?

We have already, indeed, taken one step more in addition to those on which I

have too long dwelt. We have sent consuls to all the ports of Spanish America to which we trade, as well as to the seats of the new governments in that country. We have seen in the public papers, that the consul at Buenos Ayres has presented a letter from the secretary of state for foreign affairs in this country, to the secretary of that government, desiring that they would grant the permission to the consul, without which he cannot exercise his powers.* Does not this act acknowledge the independence of the state of Buenos Ayres? An independent state alone can appoint consuls. An independent state only can receive consuls. We have not only sent consuls, but commissioners. What is their character? can it be any other than that of an envoy with a new title? Every agent publicly accredited to a foreign government, and not limited by his commission to commercial affairs, must, in reality, be a diplomatic minister, whatever may be his official name. We read of the public and joyful reception of these commissioners, of presents made by them to the American administrators, and of speeches in which they announce the good will of the government and people of England towards the infant republics. I allude to the speech of colonel Hamilton at Bogota, on which, as I have seen it only in a translation, I can only venture to conjecture, after making some allowance for the overflow of courtesy and kindness which is apt to occur on such occasions, that it expressed the anxious wishes and earnest hopes of this country, that he might find Columbia in a state capable of maintaining those relations of amity which we were sincerely desirous to establish. But surely the whole of these missions amounts to a virtual recognition of the independence of these states.

Where should we apply for redress, if a Columbian privateer were to capture an

English merchant-man? Not at Madrid, but at Bogota. Does not this answer decide the whole question? Does it not declare that the government of Spain has lost the sovereignty of Caraccas, and that the government of Columbia has succeeded to it? From the moment when the cabinet of Madrid could afford no redress for wrongs done to an Englishman on the Rio de la Plata, it became lawful for the English government to seek that redress where alone it could be found, from the government of Buenos Ayres; and the government of Great Britain owed it to their own subjects to provide the means of obtaining that redress.

It could not be obtained at all without agents on the spot, secret or avowed, expressly or tacitly authorised and instructed by the British government. But British subjects have a right to expect not merely that their government shall provide some means of redress, but that they should provide adequate and effectual means; those which universal experience has proved to be the best; those in which long usage has taught all nations to place confidence. They are not bound to be content with the unwavering agency and precarious good offices of naval officers, nor even with the inferior and imperfect protection of an agent whose commission is limited to the security of trade.

The power of a consul is confined to commercial affairs; and there are many of the severest wrongs which the merchant suffers, which, as they may not directly affect him in his trading concerns, are not within the proper province of the consul. Merchants are insufficiently secured by a disguised, a clandestine, or a subaltern minister. The English trader at Buenos Ayres ought not to feel his safety less perfect than that of other foreign merchants. Why should he be condemned to envy the North American merchant, who feels that all his private as well as commercial interests are protected by a diplomatic minister who represents the Republic, and whose presence is a constant and visible pledge that her power every where protects her unoffending citizens? The American trader is not left to gather information, so essential to his comfort, from conjecture or reasoning; he daily sees it and feels it: he is assured of it by the view of those badges of national protection which mankind have in all ages regarded with veneration. The inferiority of the English trader is con-

* "Ce n'est pas assez d'être nommé et muni de Lettres de Provision de la part du Souverain. Le Consul doit aussi obtenir l'approbation et l'admission du Souverain du pays, où il doit résider et exercer les fonctions de cet emploi. Cette admission du Consul dépend du bon plaisir du Souverain du lieu de son établissement." Steck, *Essai sur les Consuls*, 56. Berlin, 1790.

"Le Consul doit présenter ses Lettres de Provision au Souverain du pays où il va résider pour obtenir son approbation, son agrément et ses ordres de le reconnoître en cette qualité; ce que l'on appelle Exequatur." Id. 58.

siderably aggravated, by the consciousness that the policy of his country in this respect cannot be contemplated with friendly eyes by the state to which he is for a time subject. Mexico and Peru, Columbia and Buenos Ayres, will not easily perceive the equity of the principle which requires them to grant the ordinary protection to Englishmen, without requiring at the same time that they should receive the ordinary marks of friendship from England. It is not the mere absence of an English minister that they will consider; it is the policy of systematically refusing to hold diplomatic intercourse with them, on the avowed ground that it is at least doubtful whether they are independent nations. The English merchant has no minister to whom he can represent his wrongs with confidence; and his complaints must be addressed to a government, who, to say the least, must think themselves not so much honoured by England as by North America. You have no right to deprive British subjects of such important advantages, and to expose them at least to disfavour in the country where they trade, or travel, or reside. You ought not without the weightiest reasons to continue a policy, sure, even in the first instance, to excite some suspicion and alienation, which in time may grow into distrust and displeasure, and at length rankle into anger and hostility. The habit of trusting to an ambassador for security, has a tendency to reconcile the spirit of adventurous industry, with a constant affection for the place of a man's birth. The adventurer is cured of prejudices against other nations, without feeling the ties loosened which bind him to his own. Followed over the globe by the protection of his native rulers, he preserves his attachment to his country, and perhaps often finds it strengthened instead of being extinguished by long absence. If these advantages are not inconsiderable to any European nation, they must be important to the most commercial and maritime people of the world. The American governments at present rate our friendship too high to be jealous and punctilious in their intercourse with us. But a little longer delay may give rise to an unfavourable judgment of our conduct. They may even doubt our neutrality itself. Instead of admitting that the acknowledgment of their independence would be a breach of neutrality towards Spain, they may much

more naturally conceive, that the delay to acknowledge it is a breach of neutrality towards them. Do we in truth deal equally by both the contending parties? We do not content ourselves with consuls at Cadiz and Barcelona. If we expect justice to our subjects from the government of Ferdinand 7th, we in return pay every honour to that government as a power of the first class. We lend it every aid that it can desire from the presence of a British minister of the highest rank. We do not inquire whether he legitimately deposed his father, or legally dispersed the Cortes who preserved his throne. Is it equality towards the American states, to expect the same returns from them, without showing the same respect to them, or lending the same countenance to their government? The inequality becomes the more strikingly offensive, when it is considered that the number of English in the American states is far greater, and our commerce with them much more important, and that we therefore need diplomatic relations with them far more than with European Spain.

Another circumstance will render our delay more surprising to them and to all mankind. We have long since advised Spain to acknowledge the independence of her late provinces in America; we have told her that it is the only basis on which negotiations can be carried on, and that it affords her the only chance of preserving some of the advantages of friendship and commerce with these vast territories. But if we have spoken sincerely we must consider them now, we must have considered them a year ago, as ripe for recognition. There can be no obstacle to it in their internal state; for if there had, it would have as much stood in the way of Spain as in ours. Whatever rendered it right for Spain to recognise them, must also render it right for us. If we now delay, Spain may very speciously charge us with insincerity. "It now," she may say, "appears from your own conduct, that under pretence of friendship you advised us to do that from which you yourselves recoil. You advised us to abdicate a great empire, though you now treat it as containing not one government capable of keeping faith and observing justice. For the vile purpose of extending your own commerce, you would have betrayed Spain into a surrender of all her American subjects, to those whom by your acts you now

pronounce to be incapable or unwilling to afford them the ordinary benefits of civilized government." Let us hasten to prevent these calumnies, by showing that we have advised nothing which we are not ourselves willing to do.

They will not fail to discover, that all delay founded on the internal state of America is in another respect grossly inconsistent with our express declarations. We have declared that we should immediately proceed to recognition, either if Spain were to invade the liberty of trade which we now possess, or if any other power were to take a part in the contest between her and the American states. But do not these declarations necessarily imply that they are in fact independent? Surely no injustice of Spain, or France, or Russia could authorize England to acknowledge that to be a fact which we do not know to be so. Either, therefore, we have threatened to do what ought not to be done, or these states are now in a condition to be treated as independent.

One observation more on the peculiar circumstances of this case will perhaps be excused. It is now many months since it was declared to M. de Polignac, that we should consider "any foreign interference by force or menace, in the dispute between Spain and her colonies, as a motive for recognizing the latter without delay." I ask whether the interference "by menace" has not now occurred? M. Ofalia on the 26th of December proposed a congress on the affairs of America, in hopes that the allies of king Ferdinand "will assist him in accomplishing the worthy object of upholding the principles of order and legitimacy, the subversion of which once commenced in America would speedily communicate." Now I have already said that, if I am rightly informed, this proposition, happily rejected by Great Britain, has been acceded to by the allied powers. Preparations for the congress are said to be already made. Can there be a more distinct case of interference by menace in the American contest, than the agreement to assemble a congress for the purpose described in the dispatch of M. Ofalia? A case has therefore now occurred, in which we have pledged our national honour that we should immediately recognize the American states.

But it is said that we ought not to recognize where a contest is still maintained, or where governments of some apparent stability do not exist. Both these ideas

seem to be comprehended in the proposition, that we ought to recognize only where independence is actually enjoyed, though that proposition properly only affirms the former. But it is said that we are called upon only to acknowledge the fact of independence, and that before we make the acknowledgment we ought to have evidence of the fact. To this single point the discussion is now confined—all considerations of European policy are (I cannot repeat it too often) excluded. The policy of Spain, or France, or Russia, is no longer an element in the problem. The fact of independence is now the sole object of consideration. If there be no independence, we cannot acknowledge it. If there be, we must. For this reason commissioners are sent to America to inquire into the fact; and by the mere act of sending such commissioners, we once more pledge ourselves solemnly and irrevocably that our determination shall be influenced by nothing but the result of their inquiry. We thus pledge ourselves to the merchants of Great Britain and to the states of America, who have both a right to expect that we shall not deceive them. We have also by the same act, though not with the same feelings, pledged ourselves to the European allies, who will know how to appreciate our steadiness of purpose by our adherence to it. It is therefore of the last importance to the general question, that this part of the policy of the British government should be rightly and thoroughly understood.

To understand it rightly, we must consider separately what is often confounded in argument: the first question, Whether there be a contest with Spain still pending; and the second, Whether internal tranquillity be securely established. In the first, we must mean such a contest as exhibits some equality of force, of which, if the combatants were left to themselves, the issue would be in some degree doubtful. It never can be understood so as to include a bare chance, that Spain might recover her ancient dominions at some distant and absolutely uncertain period: for such a possibility must always remain; it is incident to all human affairs; and we must on that principle postpone our recognition indefinitely, which we have expressly and repeatedly declared that we will not do. Now, before I proceed to examine the facts, I must observe that we have already determined this question

more than once. We determined it when we said that time and circumstances had decided the separation; we determined it when we said that recognition could succeed only on the basis of independence; we determined it by notifying to the world that we could not delay our recognition many months; and we determined it most unequivocally by fixing a period beyond which our recognition should not be delayed by the contrary policy of Spain. For it is impossible to justify the last measure, unless we either hold that recognition is no interference in the contest, or that no real and effective contest now exists: either of these propositions is sufficient for my purpose. I think I have already demonstrated the former. His majesty's ministers, who (somewhat inconsistently as I think) hold the latter also to be necessary, must upon their own showing already believe it; since, if it was not true, they must consider their own measures as unjustifiable.

But, as an argument only conclusive against men who previously acknowledged certain opinions, and in which the whole effect depends on the rare occurrence of any men being consistent with themselves, must necessarily be of a partial and precarious character, I am willing to enter into the inquiry concerning the independence of America, and prepared to contend that, without waiting for the investigations of the commissioners, the result is decisively favourable to the measure which I recommend. Let me be allowed to offer a dilemma (not indeed so terrible a dilemma as that with which, in the late debate on Mr. Smith, the missionary, my learned friend (Mr. Brougham) so pressed another very acute and ingenious friend of mine (Mr. Tindal), that the latter with all his skill found it impossible to escape from being gored by either of its horns)—one of a more calm and more pacific, and I fear less severely logical, character—but which affords at least a commodious means of distinguishing the separate parts of this case clearly from each other, and of detecting the fallacy which lurks beneath the specious cover of general language.

When you inquire, whether any contest approaching to equality now subsists, do you consider Spanish America as one mass or do you apply your inquiry to the peculiar situation of each individual state? For the purposes of the present war you may view them in either light—in

the latter, because they are sovereign commonwealths, as independent of each other as they all are of Europe—or in the former, because they are united by a treaty of alliance offensive and defensive, which binds them to make common cause in this contest, and to conclude no separate peace with Spain.

If I look on Spanish America as one vast mass, the question of the existence of any serious contest is too simple to admit the slightest doubt. What proportion does the contest bear to the country in which it prevails? My geography, or at least my recollection, does not serve me so far, that I could enumerate the degrees of latitude and longitude over which that vast country extends. On the western coast it reaches from the northern point of New California to the utmost limit of cultivation towards Cape Horn. On the eastern it extends from the mouth of the Mississippi to that of the Orinoco; and, after the immense exception of Guiana and Brazil, from the Rio de la Plata to the southern footsteps of civilized man. The prodigious varieties of its elevation exhibit in the same parallel of latitude all the climates and products of the globe. It is the only abundant source of the metals justly called precious, the most generally and permanently useful of all commodities, except those which are necessary to the preservation of human life. It is unequally and most scantily peopled by sixteen or eighteen millions, whose numbers, freedom of industry, and security of property must quadruple in a century. Its length on the Pacific coast is equal to that of the whole continent of Africa from the Cape of Good Hope to the Straits of Gibraltar. It is more extensive than the vast possessions of Russia or of Great Britain in Asia. The Spanish language is spoken over a line of nearly 6000 miles. The State of Mexico alone is five times larger than European Spain. A single communication cut through these territories between the Atlantic and Pacific would bring China 6000 miles nearer to Europe*, and the Republic of Columbia or that of Mexico may open and command that new road for the commerce of the world.

After this faint sketch of the extent, the force, the resources and the prospects of Spanish America, it is time to ask what is the contest maintained for by Spain. I

* See M. V. Humboldt's admirable Essay on New Spain.

lay aside for the present all contending parties among the Americans, and inquire only who, throughout this vast empire, are in arms for the cause of Spain? What is the Spanish strength? A single castle in Mexico, an island on the coast of Chili, and a small army in Upper Peru! Is this a contest approaching to equality? Is it sufficient to render the independence of such a country doubtful? Does it deserve the name of contest? It is very little more than what in some of the wretched governments of the East is thought desirable to keep alive the vigilance of the rulers, and to exercise the martial spirit of the people. No impartial and well-informed man has the least disposition to believe that such revolts, though they may for some time be expected to prevail with occasional success and with constant mischief can have any tendency to restore the Spanish authority. There is nothing therefore now, which deserves the name of contest between Spain and South America considered as a whole. There is no present appearance that the country can be reduced by the power of Spain alone; and if any other power were to interfere, it is acknowledged that such an interference would impose new duties on Great Britain.

If, on the other hand, we consider the American states as separate, the fact of independence is undisputed with respect at least to some of them. What doubts can be entertained of the independence of the immense provinces of Caraccas, New Grenada and Quito, which now form the republic of Columbia? There, not a royalist soldier remains. A considerable Spanish army has been defeated. They have alleither been destroyed, or expelled from the territory of the republic. Three congresses have successively been assembled. They have formed a reasonable and promising constitution. They have endeavoured to establish a wise system and a just administration of law. In the midst of their difficulties they have ventured (and hitherto with perfect success) to encounter the arduous and perilous but noble problem of a pacific emancipation of slaves. They have been able to observe good faith to their creditors, and thus to preserve the greatest of all resources in times of danger. Their tranquillity has stood the test of the long absence of Bolivar in Peru. Englishmen who have lately traversed their territories in various directions, are unanimous in stating that their

journeys were made in the most undisturbed security. Every where they saw the laws obeyed, justice administered, armies disciplined, and the revenue peaceably collected. Many British subjects have indeed given practical proofs of their faith in the power and will of the Columbian government to protect industry and property: they have established houses of trade; they have undertaken to work mines; and they are establishing steamboats on the Orinoco and the Maddalena. Where is the state which can give better proofs of secure independence?

The republic of Buenos Ayres has an equally undisputed enjoyment of independence. There no Spanish soldier has set his foot for fourteen years. It would be as difficult to find a royalist there, as it would be a Jacobite in England (I mean only a personal adherent of the house of Stuart, for as to Jacobites in principle, I fear they never were more abundant). It has not even been attacked by Spaniards since the declaration of independence: and its rulers are so conscious of internal security, that they have crossed the Andes, and interposed with vigour and effect in the revolutions of Chili and Peru. Whoever wishes to know the state of Chili, will find it in a very valuable book lately published by Mrs. Graham, a lady whom I have the happiness to call my friend, who, by the faithful and picturesque minuteness of her descriptions, places her reader in the midst of the country, and introduces him to the familiar acquaintance of the inhabitants. Whatever seeds of internal discord may be perceived, we do not discover the vestige of any party friendly to the dominion of Spain. Even in Peru, where the spirit of independence has most recently appeared, and appears most to fluctuate, no formidable body of Spanish partisans has been observed by the most intelligent observers; and it is very doubtful whether even the army which keeps the field in that province against the American cause, be devoted to the restored despotism of Spain. Mexico, the greatest, doubtless, and most populous, but not perhaps the most enlightened, portion of Spanish America has passed through severe trials, and seems hitherto far from showing a disposition again to fall under the authority of Spain. Even the party who long bore the name of Spain on their banners, were unassisted by her arms. They fought for the mother country, it is true; but being taught to

rely solely on their own unaided force, they imbibed in that very contest the spirit of independence. It was a contest between two Mexican parties, in which even the partisans of the foreign cause, having no hope of succour from without, at length ceased to look abroad for a sovereign. They were accordingly completely routed, without the interference of any other American state. The last viceroy who was sent from Spain was compelled to acknowledge the independence of Mexico; and the royalist officer, who appeared for a time so fortunate, could not win his way to a transient power without declaring against the pretensions of the mother country.

If, then, we consider these states as one mass, there cannot be said to be any remaining contest. If, on the other hand, we consider them separately, why do we not immediately comply with the prayer of this petition, by recognising the independence of those whom we must allow to be in fact independent? Where is the objection to the instantaneous recognition at least of Columbia and Buenos Ayres?

But here I shall be reminded of the second condition (as applicable to Mexico and Peru), the necessity of a stable government and of internal tranquillity: without these advantages, we are told that no state has a claim to be recognised.—On what principle this doctrine rests I cannot discover. Independence and good government are unfortunately very different things. Most countries have enjoyed the former; not above three or four since the beginning of history have had any pretensions to the latter. Many grossly misgoverned countries have performed duties of justice and good-will to neighbouring states; I do not say so well as more wisely ordered commonwealths, but still tolerably, and always much better than if they had not been controlled by the influence of opinion acting through a regular intercourse with other nations.

We really do not deal with Spain and America by the same weight and measure. We exact proofs of independence and tranquillity from America. We dispense both with independence and tranquillity in Old Spain. We have an ambassador at Madrid though the whole kingdom be in the hands of France. We treat Spain with all the honours due to a civilized state of the first rank; though we have been told in this House, that the continuance of the French army there is an act

of humanity, necessary to prevent the faction of frantic royalists from destroying not only the friends of liberty, but every Spaniard who hesitates to carry on a war of persecution and extirpation against all who are not the zealous supporters of unbounded tyranny:—although we have been told all this, we continue to treat Spain as if she were independent, as if she were under the government of civilized men, and not under the tyranny of ignorant and ferocious barbarians.

On the other hand, we require from the new-born states of America, a condition incompatible with human nature, and which if they were able to fulfil, they would be unlike every other community that ever shook off the yoke of foreign or domestic tyrants. We refuse them the honour of formal admission into the society of independent nations, unless they shall immediately solve the awful problem of reconciling liberty with order; unless infant governments shall in a moment shoot up into manhood; unless all the efforts incident to a fearful struggle shall at once subside into the most perfect and undisturbed tranquillity. We expect that every interest which great changes have wounded shall yield without resistance, and that every visionary or ambitious hope which they have kindled shall submit without a murmur to the counsels of wisdom and the authority of the laws. Who are we who exact the performance of such hard conditions? Are we, the English nation, to look thus coldly on rising liberty? We have indulgence enough for tyrants; we make ample allowance for the difficulties of their situation; we are ready enough to deprecate the censure of their worst acts. And are we, who spent ages of blood in struggling for freedom, to treat with such severity the nations who now follow our example? Are we to refuse that indulgence to the errors and faults of other nations, which was so long needed by our own ancestors? The English people waded through despotism and anarchy, through civil war and revolution on their road to freedom. They passed through every form of civil and religious tyranny; they persecuted Protestants under Mary; I blush to add, they persecuted Catholics under Elizabeth. It was said by the great satirist, in those nervous invectives which he poured out against them for their love of liberty, that they were a people whom

"No king could govern, and no God could please."

Within a few years after these invectives, this abused people established the first system of civil and religious liberty which had ever been attempted in a great empire. We justly revere our forefathers for having accounted all the evils through which they passed, as nothing in comparison with the high object which they pursued. We never think of these evils further than as they endeared to us the liberty of which they were the price. And shall we now inconsistently, unreasonably, basely hold that distractions so much fewer and milder and shorter, endured in the same glorious cause, will unfit other nations for its attainment, and preclude them from the enjoyment of that rank and those privileges which we at the same moment recognize as belonging to slaves and barbarians?

I call upon my right hon. friend distinctly to tell us, on what principle he considers the perfect enjoyment of internal quiet as a condition necessary for the acknowledgment by foreign states of an independence which cannot be denied to exist. I can discover none, unless the confusions of a country were such as to endanger the personal safety of a foreign minister. In such a case, indeed, there would be a sufficient reason for interrupting diplomatic intercourse till it could be safely carried on. Yet the European powers have always had ministers at Constantinople, though it was well known that the barbarians who ruled there would, on the approach of a quarrel, send these unfortunate gentlemen to a prison in which they might remain during a long war. Short of this extreme case, I see no connexion between diplomatic intercourse and the internal state of a country. As long as foreign ministers are secure, no confusion can be such as to require the interruption or to prevent the establishment of intercourse through them. But if there were any such insecurity in the new States, how do the ministers of the United States of North America reside in their capitals? or why do we trust our own consuls and commissioners among them? Is there any physical peculiarity in a consul, which renders him invulnerable where an ambassador or an envoy would be in danger? Is a consul bullet-proof or bayonet-proof, or do consuls wear coats of mail which secure them from violence? The appointment of consuls implies our belief that there are governments existing in

Spanish America, who are actually independent, and to whom our consuls may apply in cases of mercantile grievance with the same reasonable prospect of success as in other countries. It rests on the foundation that these governments are obeyed by their subjects, and have the power and the will to compel them to do justice to foreigners. What more do we require for ministers of a higher character? The same government which redresses an individual grievance, on the application of a consul, may remove a cause of national difference after listening to the remonstrance of an envoy. Whatever may be the succession of factions, however these states may be agitated by divisions, whatever form their governments may assume, they must be as competent, and as much disposed, to negotiate on high national interests as to do justice to an aggrieved trader or mariner; they must in the one case, as in the other, all be equally inclined to continue on terms of amity and friendly intercourse with the greatest maritime power of the world.

I will venture even to contend, that internal distractions, instead of being an impediment to diplomatic intercourse, are rather an additional reason for it. An ambassador is more necessary in a disturbed than in a tranquil country, inasmuch as the evils against which his presence is intended to guard are more likely to occur in the former than in the latter. It is in the midst of civil commotions that the foreign trader is the most likely to be wronged; and it is then that he therefore requires not only the good offices of a consul, but the weightier interposition of a higher minister. In a perfectly well ordered country the laws and the tribunals might be sufficient. It is in a state where their operation is disturbed, that he cannot be safe without aid from the representative of his native country. In the same manner it is obvious, that if an ambassador be an important security for the preservation and good understanding between the best regulated governments, his presence must be far more requisite to prevent the angry passions of exasperated factions from breaking out into war. Whether, therefore, we consider the individual or the public interests which are secured by embassies, it seems no paradox to maintain, that if they could be dispensed with at all, it would rather be in quiet than in disturbed countries.

The interests here at stake may be said

to be rather individual than national. But a wrong done to the humblest British subject, an insult offered to the British flag flying on the slightest skiff, is, if unrepaired, a dishonour to the British nation. It is a great national interest as well as duty to watch over the international rights of every Briton, and to claim them from every government. It is only when states treat the wrongs of their subjects as public injuries, that every individual learns to feel the violation of his country's rights as a private wrong.

But the mass of private interest engaged in our trade with Spanish America, is so great as to render it a large part of the national interest. There are already at least a hundred English houses of trade established in various parts of that immense country. A great body of skilful miners have lately left this country, to restore and increase the working of the mines of Mexico. Botanists and Geologists and Zoologists are preparing to explore regions too vast to be exhausted by the Condamines and Humboldts. These missionaries of civilization, who are about to spread European and especially English opinions and habits, and to teach industry and the arts, with their natural consequences of love of order and desire of quiet, are at the same time opening new markets for the produce of British labour, and new sources of improvement as well as enjoyment to the people of America.

The excellent petition from Liverpool to the king, sets forth the value of the South American commerce very clearly with respect to its present extent, its rapid increase, and its probable permanence. In 1819, the official returns represent the value of exported British produce at thirty-five millions sterling; in 1822, at forty-six millions; and, in the opinion of the petitioners, who are witnesses of the highest authority, a great part of this prodigious increase is to be ascribed to the progress of the South American trade. On this point, however, they are not content with probabilities. In 1822, they tell us that the British produce exported to the late Spanish colonies amounted in value to three millions eight hundred thousand pounds sterling; and in 1823, to five millions six hundred thousand; an increase of near two millions in one year. As both the years compared are subsequent to the opening of the American ports, we may lay out of the account

the indirect trade formerly carried on with the Spanish Main through the West Indies, the far greater part of which must now be transferred to a cheaper, shorter and more convenient channel. In the year 1820 and the three following years, the annual average of ships which sailed from the port of Liverpool to Spanish America was 189; and the number of those which have so sailed in five months of the present year is already 124; being an increase in the proportion of thirty to nineteen. Another criterion of the importance of this trade, on which the traders of Liverpool are peculiarly well qualified to judge, is the export of cotton goods from their own port. The result of the comparison of that export to the United States of America, and to certain parts* of Spanish and Portuguese America, is peculiarly instructive and striking. —Year ending Jan. 5, 1820. Actual value of cotton goods exported from Liverpool, to United States 882,029*l.* to Spanish and Portuguese America 852,651*l.* Year ending Jan. 5, 1821. Actual value of cotton goods exported from Liverpool, to United States 1,033,206*l.* to Spanish and Portuguese America 1,111,574*l.*

It is observed, that this last extraordinary statement relates to the comparative infancy of this trade; that it comprehends neither Vera Cruz nor the ports of Columbia; and that the striking disproportion in the rate of increase does not arise from the abatement of the North American demand (for that has increased), but from the rapid progress of demand in the South American market. Already, then, this new commerce surpasses in amount and still more in progress, that trade with the United States which is one of the oldest and most extensive as well as most progressive branches of the traffic of this great commercial country.

If I consult another respectable authority, and look at the subject in a somewhat different light, I find the annual value of our whole exports estimated in lord Liverpool's speech on this subject at forty-three millions sterling,* of which about twenty-millions worth goes to Europe, and about the value of seventeen millions to North and South America: leaving between four and five millions to Africa and Asia. According to this statement, I may reckon

* Viz. Brazil, Buenos Ayres, Monte Video, Chili, and the West Coast of America.

† See Vol. X. p. 993.

the trade to the new independent states as one-eighth of the trade of the whole British empire. It is more than our trade to all our possessions on the continent and islands of America before the beginning of the fatal American war in 1774—for fatal I call it, not because I lament the independence of America, but because I deeply deplore the hostile separation of the two great nations of English race.

The official accounts of exports and imports laid before this House on the 3rd of May 1824, present another view of this subject, in which the Spanish colonies are carefully separated from Brazil. By these accounts it appears the exports to the Spanish colonies were as follows. In 1818, 735,344*l.*; in 1819, 850,943*l.*; in 1820, 431, 615*l.*; in 1821, 917, 916*l.*; in 1822, 1,210,825*l.*; in 1823, 2,016,276*l.* I quote all these statements of this commerce, though they do not entirely agree with each other, because I well know the difficulty of attaining exactness on such subjects; because the least of them is perfectly sufficient for my purpose; and because the last, though not so large as others in amount, shows more clearly than any other its rapid progress, and the proportion which its acceleration bears to the extension and acceleration of American independence.

If it were important to swell this account, I might follow the example of the Liverpool petitioners (who are to be heard with more respect, because on this subject they have no interest), by adding to the general amount of commerce the supply of money to the American States of about twelve millions sterling; for though I of course allow that such contracts cannot be enforced by the arms of this country against a foreign state, yet I consider the commerce in money as equally legitimate and honourable with any other sort of commercial dealing, and equally advantageous to the country of the lenders, wherever it is profitable to the lenders themselves. I see no difference in principle between a loan on the security of public revenue, and a loan on a mortgage of private property; and the protection of such dealings is in my opinion a perfectly good additional reason for hastening to do that which is previously determined to be politic and just.

To use any further arguments to prove the importance of a trade which has been declared to be important by London,

Liverpool, and Manchester, may seem superfluous. For, if they are not worthy of credit on a commercial question, where is authentic information concerning such matters to be found? On the principles and theory of commerce I have dissented from merchants, and I have generally been laughed at as a visionary for my pains. I have, at length, however, lived to see the day when merchants, and even statesmen (a still more obstinate and conceited race), have become the disciples of philosophers. But on the extent, the particulars, and the profits, of a single branch of trade, I have seldom known any economist so hardy as to question the testimony of the whole body of English merchants and manufacturers.

If I were further called to illustrate the value of a free intercourse with South America, I should refer the House to a valuable work, which I hope all who hear me have read, and which I know they ought to read—I mean captain Basil Hall's *Travels in that country*. The whole book is one continued proof of the importance of the free trade to England, to America, and to mankind. No man knows better how to extract information from the most seemingly trifling conversations, and to make them the means of conveying the most just conception of the opinions, interests, and feelings of a people. Though he can weigh interests in the scales of Smith, he also seizes, with the skill of Plutarch, on those small circumstances and expressions which characterize not only individuals but nations. "While we were admiring the scenery," says he, "our people had established themselves in a hut, and were preparing supper under the direction of a peasant—a tall copper-coloured semi-barbarous native of the forest—but who, notwithstanding his uncivilized appearance, turned out to be a very shrewd fellow, and gave us sufficiently pertinent answers to most of our queries. A young Spaniard of our party, a royalist by birth, and half a patriot in sentiment, asked the mountaineer what harm the king had done. 'Why,' answered he, 'as for the king, his only fault, at least that I know of, was his living too far off; if a king be really good for a country, it appears to me that he ought to live in that country, not two thousand leagues away from it.' On asking him what was his opinion of the free trade, 'My opinion,' said he, 'is this—formerly I paid nine dollars for the piece of cloth of which this

shirt is made, I now pay two—that is my opinion of the free trade.*”

This simple story illustrates better than a thousand arguments the sense which the American consumer has of the consequences of free trade to him. If we ask how it affects the American producer, we shall find a decisive answer in the same admirable work. His interest is, to produce his commodities at less expense, and to sell them at a higher price, as well as in greater quantity. All these objects he has obtained. Before the Revolution, he sold his copper at seven dollars a quintal. In 1821, he sold it at thirteen dollars a quintal. The articles which he uses in the mines are, on the other hand, reduced—steel from 50 dollars a quintal to 16 dollars; iron from 25 to 8. The provisions of his labourers are lowered in the proportion of 21 to 14. The fine cloth which he himself wears, from 23 dollars a yard to 12. His crockery from 350 reals per crate to 40; his hardware from 300 reals to 100; and his glass from 200 to 100.† It is justly observed by captain Hall, that, however incompetent a Peruvian might be, to appreciate the benefits of political liberty, he can have no difficulty in estimating such sensible and palpable improvements in the condition of himself and his countrymen. With Spanish authority he connects the remembrance of restriction, monopoly, degradation, poverty, discomfort, privation. In those who struggle to restore it, we may be assured that the majority of Americans can see only enemies who come to rob them of private enjoyments and personal accommodations.

It will perhaps be said, that Spain is willing to abandon the monopoly: but if she did, might she not by the same authority restore it? If her sovereignty be restored, she must possess abundant means of evading the execution of any concessions now made in the hour of her distress. The faith of Ferdinand is the only security for the observance of a stipulation for keeping open the trade, or any part of it. On the other hand, if America continues independent, our security is the strong sense of a most palpable interest already spread among the people. The interest of the miner of Chili in selling his copper, and of the

peasant of Mexico in buying his shirt, is in that case our security. I prefer it to the royal word of Ferdinand. But do we not know that the royalist general Canterac in the summer 1823 declared the old prohibitory laws to be still in force in Peru, and announced his intention of accordingly confiscating all English merchandise which he had before generously spared? Do we not know that English commerce every where flies from the Royalists, and hails with security and joy the appearance of the American flag?*

But it is needless to reason on this subject, or to refer to the conduct of local agents. We have a decree of Ferdinand himself to appeal to. It bears date at Madrid on the 9th February, 1824. It is a very curious document, and very agreeable to the general character of his most important edicts, in which there is more than the usual repugnance between the title and the purport. As he published a table of proscription under the name of a decree of amnesty, so his professed grant of free trade is, in truth, an establishment of monopoly. The first article does indeed promise a free trade to Spanish America: the second, however, hastens to declare that this free trade is to be “regulated” by a future law, that is to be confined to certain ports, and that it shall be subjected to duties which are to be regulated by the same law. The third also declares that the preference to be granted to Spain shall be regulated in like manner. As if the duties, limitations, and preferences thus announced had not provided such means of evasion as were equivalent to a repeal of the first article, the royal lawgiver proceeds in the fourth article to enact, that “till the two foregoing articles can receive their perfect execution, there shall be nothing innovated in the state of America:” which, as the court of Madrid does not recognise the legality of what has been done in America since the revolt, may be plausibly and perhaps reasonably interpreted to import a re-establishment of the Spanish laws of absolute monopoly, till the government of Spain shall be disposed to promulgate that code of restriction, of preference, and of duties, perhaps prohibitory, which, according to them, constitutes free trade. It is not said whether the innovation relates to law or to fact. Even on the

* Hall. ii. 188.

† Hall, ii. 47. This curious table relates to Chili—the previous anecdote to Mexico.

* As in the evacuation of Lima in the Spring of 1824.

most favourable construction, it cannot be denied that the second and third articles distinctly point out the means of rendering nugatory the apparent concession promised in the first. The decree itself gives fair warning of the disposition of Spain, and demonstrates that, if she regains her sovereignty, she cannot be deprived of the means of re-establishing her monopoly with no other change but that of forms and names.

But it will be said elsewhere, though not here, that I now argue on the selfish and sordid principle of exclusive regard to British interest—that I would sacrifice every higher consideration to the extension of our traffic, and to the increase of our profits: for this is the insolent language, in which those who gratify their ambition by plundering and destroying their fellow creatures have in all ages dared to speak of those who better their own condition by multiplying the enjoyments of mankind. In answer, I might content myself with saying, that, having proved the recognition to be conformable to justice, I have a perfect right to recommend it as conducive to the welfare of this nation. But I deny altogether the doctrine, that commerce has a selfish character—that it can benefit one party without being advantageous to the other. It is twice blessed—it blesses the giver as well as the receiver. It consists in the interchange of the means of enjoyment, and its very essence is, to employ one part of mankind in contributing to the happiness of others. It is absolutely impossible to conceive an instance of its permanent extension, as long as it is confined within the limits of morality, which does not render it the interest of a greater number of men to contribute to the subsistence or relief, or security or pleasure, or improvement or refinement, of a larger and larger body of their fellow men. What is the instrument by which a savage is to be raised from a state in which he has nothing human but the form, but commerce, by exciting in his mind the desire of accommodation and enjoyment, and by presenting to him the means of obtaining these advantages? It is thus only that he is gradually raised to industry, to foresight, to a respect for property, to a sense of justice, to a perception of the necessity of laws. What corrects his prejudices against foreign nations and dissimilar races?—Commercial intercourse. What slowly teaches him that the quiet and well-being of

the most distant regions have some tendency to promote the prosperity of his own? What at length disposes him even to tolerate those religious differences which led him to regard the greater part of the species with abhorrence?—Nothing but the intercourse and familiarity into which commerce alone could have tempted him. What diffuses wealth, and thereby increases the leisure which calls into existence the works of genius, the discoveries of science, and the inventions of art? What transports just opinions of government into enslaved countries, raises the importance of the middle and lower classes of society, and thus reforms social institutions, and establishes equal liberty?—What but commerce—the real civilizer and emancipator of mankind? To open South America to the commerce of the world, is in reality not merely to multiply the enjoyments and comforts of her people, but to render them partakers of the arts, and knowledge, and morality, and liberty, of civilized men.

A delay of recognition would be an important breach of justice to the American States. We send consuls to their territory, in the confidence that their government and their judges will do justice to British subjects. But we receive no authorised agents from them to secure the attainment of justice here by their subjects, for that would be recognition. Until they shall be recognised by the king, our courts of law will not acknowledge their existence; so that these governments may have large dealings in this country, which are put out of the protection of the law. Our statutes allow certain privileges to ships from the provinces in America lately subject to Spain; but our courts will not acknowledge that these provinces are subject to any government. The effect of our present position is even to take away the protection of law from the dealings of British subjects with them or on their account.

A vast commercial property has not the advantage which is professedly enjoyed by all property in almost every state. If the maritime war which has lately commenced should long continue, many questions of international law may arise out of our anomalous situation, which it will be impossible to determine by any established principles. The law of nations never contemplates a case in which a vast empire is engaged, of which we do not recognise the government, or, in other words, of which

we do not acknowledge the legal existence. If we escape this difficulty by recognising the actual governments in courts of prize, how absurd, inconsistent, and inconvenient it is, not to extend the same recognition to all our tribunals!

It would not be neutrality, but gross partiality towards Spain, to withhold from the American States the advantages which would arise from our recognition, while we enjoy all the benefits of a secure and friendly intercourse with them. Recognition, indeed, confers no legal rights, but it gives great advantages in general opinion, which a recent government feels very sensibly, both at home and abroad.

These moral interests of a state may be as important as many of its positive rights. By withholding them without necessity from a struggling community, we may give the most effectual aid to their enemies. We teach their subjects and their enemies to despise them; we inspire a general distrust of their permanence; and we may discourage other nations from treating them with respect and good will. All that is thus taken out of their scale is thrown into that of their enemies.

The reception of a new state into the society of civilized nations by those acts which amount to recognition, is a proceeding which, as it has no legal character, and is purely of a moral nature, must vary very much in its value, according to the name and authority of the nation who, upon such occasions, act as the representatives of civilized men. I will say nothing of England, but that she is the only anciently free state in the world. For her to refuse her moral aid to communities struggling for liberty, is an act of unnatural harshness, which, if it does not recoil on England, must injure America in the estimation of mankind. The injury is aggravated by the reason assigned for the delay. If we wait till so vast a country, inhabited by so many various classes of men, all of whom have so little political experience, shall exhibit a scene of universal tranquillity, how many years may pass ere we adopt a measure which we have already declared must be done before many months have elapsed!

This is not all: the delay of recognition tends to prolong and exasperate the disorders which are the reason alleged for it. Recognition is a proof of general goodwill and confidence, which will strengthen these governments, and consequently tends to shorten and mitigate the agitations of

infant liberty. Every delay encourages Spain to waste herself in desperate efforts; it encourages the Holy Alliance to sow division; to employ intrigue and corruption; to threaten, perhaps to equip and dispatch, armaments. It encourages every incendiary to excite revolt, and every ambitious adventurer to embark in projects of usurpation. It is a cruel policy, which has the strongest tendency to continue, for a time of which we cannot foresee the limits, rapine and blood, commotions and civil wars, throughout the larger portion of the New World. By maintaining an outlawry against them, we may give them the character of outlaws. The long continuance of confusion, in part arising from refusing to countenance their governments, to impose on them the mild yoke of civilized opinion, and to teach them respect for themselves by associating them with other free communities, may at length unfit them for liberty or order, and destroy in America that capacity to maintain the usual relations of peace and amity which undoubtedly exists there at present. This state of things will indeed deeply affect not only the interests of this country, but, as it is well said in the papers before us, "the relations of the Old World with the New." It is justly added, that it "is embarrassing to these governments," and most injurious to the interests of all European nations. It embarrasses the governments of America, because it leaves them without regular means of cultivating the friendship of European nations, and of amicably adjusting differences which may arise with them. It embarrasses them, by withholding from them that incidental but important aid which friendly nations afford to each other, by that diplomatic intercourse, which is a mark of respect as well as a channel of friendly intercourse. To European interests it is injurious, both for the same reasons, and because in its consequences it lessens the security and convenience of their general intercourse with America; because the longer it is continued, the greater risk there is that it may render the American nations less qualified to imbibe the feelings and adhere to the principles which regulate the relations of civilized communities.

It is vain to expect that Spain, even if she were to conquer America, could establish in that country a vigorous government capable of securing an useful intercourse with other countries. America is too determined, and Spain is too

feeble. The only possible result of so unhappy an event would be, that governments both weak and violent would exhibit the wretched spectacle of beggary, plunder, bloodshed, alternate anarchy and despotism in a country almost depopulated, and among the remains of a people without the means of carrying on commerce or the disposition to protect it. It may require time to give firmness to native governments. But it is impossible that a Spanish government should ever acquire it. While we delay our recognition till we ascertain the internal condition of America, we, in truth, refuse to do all that depends on us for rendering the intercourse of Europe with that country advantageous, regular and safe. I desire not to be misunderstood. I am far from foretelling that the American nations will not speedily and completely subdue the agitations which are in some degree, perhaps, inseparable from a struggle for independence. I have no such gloomy forebodings; though even if I were to yield to them, I should not speak the language once grateful to the ears of this House, if I were not to say that the chance of liberty is worth the agitations of centuries; and if any Englishman were to speak opposite doctrines to new nations, the present power and prosperity and glory of England would enable them to detect his slavish sophistry. I do not say, that long anarchy will prevail in America, nor even that, if it should, it may not arise from other causes. But I will confidently affirm, that a delay of recognition by us has a tendency to contribute to this evil; and if that should exist (which God forbid!), we shall be answerable for some portion of it. Our own conduct alone deeply concerns us. What may arise from other causes, is an object of curiosity and a matter for speculation. As a man, I trust that the virtue and fortune of the American States will spare them many of the sufferings which appear to be the price set on liberty: but as a Briton, I am desirous that we should aid them in that most arduous and glorious part of their undertaking, by early treating them with the honour and kindness which they have well deserved by justice, humanity, valour, and magnanimity, displayed for the attainment of the most noble object of human pursuit.

To conclude:—The delay of recognition is not due to Spain. It is injurious to America. It is inconvenient to all European nations; and only most incon-

venient to Great Britain, because she has a greater intercourse with America than any other nation. I would not endanger the safety of my own country for the advantage of other communities. I would not violate the rules of duty to promote its interest. I would not take unlawful means even for the purpose of diffusing liberty among men. I would not violate neutrality to serve America, nor commit injustice to extend the commerce of England. But I would do an act consistent with neutrality and warranted by impartial justice, tending to mature the liberty and to consolidate the internal quiet of a vast continent; to increase the probability that the benefits of free and just government will be attained by so great a portion of mankind; to procure for England the honour of a becoming share in contributing to so unspeakable a blessing; to prevent the dictators of Europe from becoming the masters of the New World; to re-establish some balance of opinions and force, by placing the republics of America, with the wealth and maritime power of the world, in the scale opposite to that of the European allies; to establish beyond the Atlantic an asylum which may preserve, till happier times, the remains of the Spanish name; to save nations, who have proved their generous spirit by their pursuit of liberty, from becoming the slaves of the Holy Alliance; and to rescue sixteen millions of American Spaniards from the fate of their European brethren, from sharing that sort of law and justice, of peace and order, which now prevails from the Pyrenees to the Rock of Gibraltar.

The following Petition was then brought up, and read:

“To the Honourable the Commons of the United Kingdom in Parliament assembled. The Petition of the undersigned merchants of the City of London,

“Showeth—That your Petitioners are engaged in trade with the countries in America formerly under the dominion of Spain:

“That the entire extinction of Spanish authority in the greater part of that Continent, and the encouragement by the government at home, induced your petitioners to embark in that extensive commerce, with full confidence that it would receive the most complete protection, and ultimately prove most beneficial to them—

selves and the country at large. The measures adopted by government most decisively demonstrated the anxiety to acquire and secure this intercourse.

"In the session of 1822, an act of parliament was passed, cap. 43, authorizing the importation of goods, the growth, production, or manufacture, of 'any country or place in America, being or having been a part of the dominions of the king of Spain,' either in British ships or in ships the built of those countries. In the following year, consuls were appointed to proceed to the ports thereof, and subsequently there has been made public the declaration of his majesty's government, that in its opinion, 'the recognition of such of the new states as have established, *de facto*, their separate political existence cannot be much longer delayed.'

"Your petitioners further humbly represent, that many millions of capital have already been embarked in this trade; that large commercial establishments have been formed both in South America and at home: and that past experience affords the strongest ground for believing that this commercial intercourse will admit of great extension, the reciprocal demand for the productions of the respective countries being constantly increasing.

"Your petitioners consequently find themselves greatly embarrassed by those countries remaining 'without any recognised political existence.' Not a week passes but they are assailed with rumours of the most alarming kind, involving their proceedings in doubt, hesitation, and distraction, and grievously destructive of that confidence so essential to the success of all commercial undertakings. Your honourable House must be well aware that no commercial intercourse can be permanently carried on with security and advantage to those concerned, if it is rendered liable to fluctuation by constant alarms of political changes, necessarily producing sudden and excessive alterations in the value of the property embarked.

"That your petitioners are enabled to state, and to prove unequivocally to your honourable House, that in the several states of Columbia, Buenos Ayres, and Chili, there does not remain the smallest vestige of Spanish dominion in any shape: each state enjoying its own government separate and independent from all interference of a hostile force.

"That the revolution which has pro-

duced this alteration in the political condition of these countries, has now been in progress fifteen years. In Buenos Ayres there has not been a Spanish soldier in hostility for eight years. In Chili there has been none for four years; and in Columbia the third annual constitutional congress is now sitting. In none of these states does there exist any party; or persons in possession of power or authority excepting the constituted executive government.

"Your petitioners, therefore, humbly submit that these states have established, *de facto*, their separate political existence; and are, according to the practice of nations in former instances, entitled to be recognized as independent governments; but they would not have presumed to have addressed your honourable House on a question of this nature, if the continued delay in recognizing this political existence did not produce the most detrimental consequences to the commercial transactions in which they are concerned.

"Your petitioners, therefore, most humbly pray that your honourable House will take this question into its serious consideration, and adopt such measures as to its wisdom may seem fit, for promoting the immediate recognition of the independence of such of the states of South America as have, *de facto*, established the same. And your petitioners, as in duty bound, will ever pray."

On the question that it do lie on the table,

Mr. Secretary Canning said:—Unquestionably, Sir, I am very far from having any thing to complain of, either with respect to the tone or topics with which my hon. and learned friend has introduced his speech; and if the observations which I shall feel it my duty to make upon that speech, or the petition upon which it is founded, shall bear but a small proportion to his address, I hope he will do me the justice to believe, that it is not in consequence of any offence at what he has said, or any disrespect for his opinions. But, my hon. and learned friend must be fully aware, that though there are, in what he believed might be called the late Spanish colonies great questions involved, any thing which may fall from me on the part of his majesty's government would be likely to produce effects, which neither he nor I could wish to witness. I, therefore, must rather restrain every disposition

which I feel to follow my hon. and learned friend through the various topics upon which he has touched, and confine myself, as much as possible, to a simple statement of facts, with no other qualification than a full and clear understanding of them. My hon. and learned friend has gone over the papers, formerly laid on the table, and given a just analysis of the course hitherto pursued by his majesty's government, with respect to the South American colonies. He has justly stated, that the first question in point of order for their consideration, was the question between the parent state and her colonies; and that the course laid down by ministers was one of strict neutrality. In doing this, it was also right to observe, that allowing the colonists to assume an equal belligerent rank with the parent country, we did, *pro tanto*, raise them in the scale of nations. His hon. and learned friend had justly said, and it was also stated by the petitioners, that, in the year 1822, the extent of the commerce then existing between this country and the colonies of Spain, led to another *de facto* recognition of their separate political existence: were recognized their commercial flag, which was admitted to the same advantages as the flags of independent states in amity with England. He has also most correctly remarked, that the next step was taken before the breaking out of the war between France and Spain: an intimation was at that period given to Spain, privately in the first instance, and afterwards publicly to the whole world, that to the British government it appeared, that time and events had very substantially decided the question of separation; but that the fact of recognition must be determined by various circumstances, and, among others, by the internal state of each of the colonies so claiming recognition. My hon. and learned friend further stated, with the same accuracy, that after that declaration made to Spain, after the publication of that declaration, which left neither to Spain, nor to any other power, cause of complaint, if Great Britain should think fit to act practically upon it, the circumstances of the last year induced this country to suspend even the consideration of that question—to suspend the mission of commercial agents to South America—and to remain inactive and undecided, until the decision of the contest in which France and Spain were engaged. Immediately after the decision of that contest, or rather,

I should say, at the moment of its decision, and before any consequences could arise, and any step be taken by France or by other powers of Europe, a warning was given by this country, in the clearest terms, as to the course she would pursue on any proposal for a joint conference or congress on the affairs of Spanish America. My hon. and learned friend has faithfully recalled to the recollection of the House the particular expressions of that warning. The next stage in the course of these transactions was the proposal, on the part of Spain, that this country should become a member of such a congress, and join in such a conference. That proposal was followed by our refusal. On the mode in which that refusal was made, first as it related to Spain, and next as it referred to the colonies, the House is already so perfectly advised, that it is not necessary for me to dwell upon it. Since that period (and this forms the last stage of these transactions), a public discussion has taken place in this House. The state in which things remained the last time the question was agitated within these walls, was this. It was stated, that the king's government, though reserving to themselves the right of acting as they should think fit, in reference to the interests of Great Britain involved in those colonies, yet thought it not merely politically expedient, but just and generous, to afford Spain the opportunity of precedence, and absolutely to suspend any decision, until they knew in what way she would avail herself of that opportunity. What I have now to state is, that that condition is at an end, and that, with respect to any further steps to be taken by this country towards the Spanish American colonies, she must act for herself. What has passed upon this point between the two cabinets, it is not necessary for me to particularize; but the result is, that the British government is left to act upon its own decision, without further reference to Spain. Such is the result I have to state, and the only communication I have to make to the House ends. I trust honourable gentlemen will see, that in stating what is a fact, I avoid rather than incur the danger to which I referred, and which might arise from the agitation of this question. I apprehend that I should run the risk of that peril, if I were to state any ulterior, conjectural, or even hypothetical case, I shall therefore carefully shun it.—Here I should conclude

what I have to address to the House, were I not glad of the opportunity afforded me by the speech of my hon. and learned friend, and which opportunity I undoubtedly thanked him for, of putting on its true ground, and in its just light, the expression of "recognition" which has been so much mistaken. It is perfectly true, as has been mentioned, that the term "recognition" has been much abused; and, unfortunately, that abuse has perhaps been supported by some authority: it has clearly two senses, in which it is to be differently understood. If the colonies say to the mother country, "We assert our independence," and the mother country answers, "I admit it," that is recognition in one sense. If the colonies say to another state, "We are independent," and that other state replies, "I allow that you are so," that is recognition in another sense of the term. That other state simply acknowledges the fact, or rather its opinion of the fact; but she confers nothing, unless under particular circumstances; she may be considered as conferring a favour. Therefore, it is one question, whether the recognition of the independence of the colonies shall take place, Spain being a party to such recognition; and another question, whether Spain, withholding what no power on earth can necessarily extort by fire, sword, or conquest, if she maintain silence without a positive refusal, other countries should acknowledge that independence. I am sure, that my hon. and learned friend will agree with me in thinking, that his exposition of the different senses of the word "recognition" is the clearest argument in favour of the course we originally took: namely, that of wishing that the recognition in the minor sense should carry with it recognition by the mother country in the major sense. The recognition by a neutral power alone cannot, in the very nature of things, carry with it the same degree of authority, as if it were accompanied by the recognition by the mother country also. If therefore the government of Great Britain had looked exclusively to the interests of the colonial states, she would reasonably pursue the course we have in fact taken; it must have been an object of higher importance to those states, that the recognition by Great Britain should be delayed, in the hope of bringing with it a similar concession from Spain, rather than that the recognition by Great Britain should be so precipitate as

to postpone, if not prevent, the recognition by the mother country. Whether all hope is over of any such step, on the part of Spain, is another question. Our obligation, then, as a matter of fact, is at an end—I am enabled to state that positively.—The rest is matter of opinion, and must depend upon a balance of probabilities. But, as my hon. and learned friend has said, this simple sense of the term "recognition" has been very much misunderstood, both here and in other places; because, though there is nothing more plain and easy than the act of acknowledging a fact (if fact it be), that such a government is independent, yet I am quite certain he will agree with me, that it may make a difference, if that acknowledgment be asked, which implies an expectation of consequences which do not necessarily belong to it. I am sure he will feel, that great as the boon of recognition in its simplest sense might be to any new government, it would be greater if, though given in one sense, it were accepted in another. It might be given as a mere acknowledgment of a fact, and accepted as a sort of treaty of alliance and co-operation. I am not ignorant of the many commercial interests that call for this proceeding; but, if what is required were granted, some suppose that it would necessarily have the effect of tranquillizing the state, establishing and confirming its independence. The simple recognition by any neutral power, if it were not misunderstood, could have no such effect. I am, therefore, anxious that exaggerated expectations should not be indulged, as to what might be the immediate consequences of recognition.—My hon. and learned friend has put two cases, the possibility of the existence of one of which I certainly do not feel. He says, that South America must either be considered as one great mass, and then the contest in any part bears but a very small proportion to the tranquillity of the whole; or that each separate state must be considered by itself, and then only the state in which the contest exists can fairly be excluded from recognition. I have no sort of difficulty in saying, that to take South America as a mass, presents a physical impossibility; and my hon. and learned friend does not pretend that there is any government established which had authority over the whole. That position will, therefore, certainly be of no assistance to his argument. The other point

of view he has presented deserves more consideration; namely, how far we are to consider each separate state entitled to recognition. Into this part of the argument I do not go at present: this is a horn of his dilemma, with which I am not, for various reasons, now prepared to contend. I will state only, that though I agree with him, that we have no pretence to be so difficult and scrupulous as to insist that a new government shall have all the stability of an old one before we acknowledge its independence, yet we must act with some degree of caution, before we can give our fiat, even if it be understood to amount to no more than a declaration of opinion. We are not bound, indeed, to be so sure of our ground, as to be able to answer for it, that our opinion shall turn out to be true; but we are bound to take care to have the chances in its favour. The principle to guide us is this:—that as the whole of our conduct should be essentially neutral, we ought not to acknowledge the separate and independent existence of any government, which is so doubtfully established, that the mere effect of that acknowledgment shall be to mix parties again in internal squabbles, if not in open hostilities. My hon. and learned friend is aware, that before we can act, information as to matters of fact is necessary. We have taken the means to obtain that information; but we are not yet in possession of that official intelligence which will enable us to arrive at a decision. Even with regard to the particular state last alluded to, Columbia, I know what has passed there only through the same channels of information my hon. and learned friend seems to have consulted; I mean the newspapers. I have seen much that I think must be rather exaggerated; but I have yet no authentic record, by which I can correct the public statements. This is all that I think it consistent with my duty to state to my hon. and learned friend. To every principle laid down in the papers he has read, and on which he has bestowed commendation, the king's government steadfastly adheres. The progress made since we last had any communication on the subject, is a proof that we have proceeded in the execution of those principles; and as my hon. and learned friend approves of all that is stated in those documents, he must, I apprehend, approve equally of what subsequently occurred. The House will judge whether it is expedient, in the present state of af-

fairs, necessarily partaking of so much uncertainty, to press the discussion beyond the information I have been able to give, or whether it would not complicate, and perhaps retard rather than accelerate, the object in view. I have only to add, that the proposal originally made by Spain to this country, to become a party to a congress on the affairs of South America, had been repeated, and again refused by the government of Great Britain.

Mr. *T. Wilson* said, that, as one of the members for the city of London, he thanked the hon. and learned member for the masterly manner in which he had discharged his duty to the petitioners.

Mr. *Ellice* concurred with the hon. member for London, in the well-deserved praise which he had bestowed upon his hon. and learned friend for bringing this subject forward. Had parliament prorogued without some declaration or discussion upon this most important subject, that neglect must have imparted the greatest uneasiness to all the commercial ranks in the country. In the out-ports, no less than in the city of London, did the deepest anxiety prevail as to the assurances which might follow from the government upon the presenting of this petition. All that he would say for the present was, that the simple recognition of their independence by Great Britain would do more to quell the disturbances and restore order to the colonies, than the recognition by Spain herself. He trusted, therefore, that he was not wrong in expecting that recognition would speedily flow from the lips of the right hon. secretary himself, convinced as he was, that it was high time that the British government should think of some means for putting upon a safe and solid footing the very considerable mercantile transactions which were now transacting between this country and the Spanish American colonies. He felt more anxiety on behalf of the commercial persons whose interests were involved, than on account of those who had accommodated the new governments with loans; the first case being one, which, from the present extent of the transactions, must more or less affect all the mercantile interests of every species whatsoever in this country. The recognition ought, therefore, to be no longer delayed than was absolutely necessary to the security and peace of this country. Already government had appointed commissioners who were sent out to inquire

into the state of those colonies. But, while they pursued their investigations, questions of the gravest importance were agitating in the courts of this country, where doubts were continually opposed to the very existence of the governments which were to be the subjects of that inquiry. These were circumstances which could not but shake all confidence in mercantile transactions effected under them. It was much to be desired that the expressions made by ministers in parliament might not be neutralized and destroyed in their effect, by parties elsewhere, to the destruction of all reasonable confidence among commercial men in the security of that traffic.

Mr. *Brougham* said :—I do not rise to prolong this discussion beyond a few minutes ; but I cannot help expressing my gratitude to my hon. and learned friend, for the masterly and comprehensive view which he has taken of this question, second to none in the importance of the principles which it involves. I am exceedingly well satisfied also with a great part of the statement made by the right hon. secretary of state, and I rather think that the parties from whom this petition proceeds, as well as those whom they virtually represent, and whose welfare is so materially concerned in the security of commerce, will feel that they have no reason to complain. Nothing, undoubtedly, can be more satisfactory than the information conveyed in the sort of supplement made by the right hon. gentleman. To have consented to join in any congress would certainly, independent of other objections, have fettered the British government in its proceedings towards South America, including also the former Spanish province of Mexico. But, the most satisfactory portion of what fell from the right hon. gentleman I take to be this :—that though, from the want of official, not authentic, information (for I freely admit the distinction between authentic news that cannot be doubted, and official intelligence on which alone a government can proceed) the British cabinet cannot yet pronounce a formal acknowledgment of the independence of the states of South America ; yet, when official assurance shall have been communicated to it from its accredited agents, that one of these great and now free countries is so established as to be able to maintain her own separate and substantive existence, then that formal recognition shall

proceed from this kingdom. When I speak of separate substantive existence without connexion with the mother country, I do not mean that the tranquillity of the state may not be broken, in some parts, by internal dissention, fomented by threatened attempts on the part of Old Spain ; in which, however, if made, she will be sure to fail. That acknowledgment must, of course, be taken in the sense given to it by the luminous explanation of my hon. and learned friend, and acceded to by the right hon. gentleman, and in which it must have been understood by all who have properly considered the subject. There is, unquestionably, all the difference in the world between recognition by the mother country, implying a renunciation of her claim of right, and that bare acknowledgment for the interests and purposes of your own subjects, and for the convenience of your own foreign relations, which renounces no right, and gives no aid, but which may eventually secure the highest advantages. Viewing the subject in this light as an acknowledgment, and avoiding the word "recognition," about which some dispute may arise, it can be considered as no breach of neutrality towards the mother country, and can by possibility involve us in no hostile discussion with any other power. To me it seems utterly impossible to contemplate for one moment the idea, that Russia, Austria, or France, can have the slightest pretence to interfere, or to question this country upon the course she thinks proper to pursue. I trust that the official information to which the right hon. gentleman alludes may speedily arrive, by which it may appear that some, if not all, the states of South America have assumed that permanent form which shall warrant Great Britain in admitting their independence. Such is the only difficulty now standing in the way of what we all desire. An hon. friend has referred to the difficulties prevailing in our courts of law on this point, and which have produced so much insecurity. That insecurity to our commercial interests must prevail, until the concession be made. For these reasons, and for the others stated by my hon. and learned friend, I beg to express my entire concurrence in the prayer of the petition.

Sir *James Mackintosh*, in moving that the petition be printed, said :—I feel great satisfaction that the hon. member for London, with the knowledge he must

possess, has expressed his approbation of what I have done on the present occasion. I believe I should have been condemned by all who take an interest in this great subject, and have occasioned much disappointment, if I had not brought on the present discussion. I do not blame my right hon. friend for the comparative brevity of his reply, as I am aware that his situation may be one of some difficulty. I will state one fact which strikes me as of some moment. In the speech of the earl of Liverpool, I find the exports of the kingdom stated at forty-one millions, seventeen millions of which are sent to the continent and islands of America; of these, six millions are imported into the colonies lately belonging to the Crown of Spain. There ought, therefore, to exist some strong reason to justify the non-establishment of political relations with countries consuming more than one-seventh of the whole exports of the kingdom. In one sense, I acknowledge the principles stated by the right hon. gentleman; but I still feel myself at liberty to deny them in another. No man alive can think that Spain has the slightest chance of recovering any of her possessions in America; and even the appearance of contest is kept up only in Peru. To Peru, then, the remark of the right hon. gentleman may be applicable; but to no other part of the great continent. With regard to the influence of what may be said here upon the loans to the independent states, I can only say, that I have not the slightest interest in them. I find ample employment for the whole of my capital at home; and, however I may speculate in other matters, I certainly am not a speculator of that sort. I do not at all mean to join in any reprobation of that mode of employing the wealth of the country; for I consider it as fair, as honest, as laudable, and as beneficial an application of capital as any other. It strikes me, that the trade in money is just as honourable as the trade in any other commodity. It is thus that the general wealth of the nation is increased; and, if a man be not to blame for lending his funds upon private mortgage, I do not see why he should be censured who advances it upon the mortgage of the revenues of a state. The discussion of to-night was necessary, and I trust that it will be useful. Certain I am, that the petitioners are entitled to all the satisfaction that can be given them.

Mr. Canning said, he did not mean to throw the slightest blame on those who employed their capital in loans to the states of South America. All men had a perfect right to advance their capital in foreign governments, if they thought fit; but he honestly owned, that he could not understand how those who had so employed their capital, were not interested in the question of recognition. The House must allow him to say, that parties so engaged ought not to carry with them the force and influence of the British government, in order to compel foreign states to fulfil their contracts.

Sir J. Mackintosh:—I wish to add one striking fact on the subject of recognition. The United States of America accompanied their acknowledgment with a declaration of their determination to adhere to neutrality in the contest between Spain and her colonies. A stronger instance cannot be adduced of the compatibility of recognition and neutrality.

Sir F. Burdett said:—I confess I have been quite at a loss to collect any precise and distinct idea from the explanations of the right hon. secretary. He seems to me to have shown great ingenuity in heaping together a vast number of words with very little meaning; for nothing like positive information is to be gathered from what he has uttered. I will not follow him through his nice distinctions between one kind of recognition and another. It appears to me to be a very simple word, with a very plain meaning. Whatever it be, it is clear that it is withheld; and, unfortunately, the recognition by the British government is infinitely a greater boon than the recognition by the parent state—an event, by the by, very little to be apprehended. That Spain will ever be able to subdue her revolted colonies, and replace the yoke they have thrown off, is, I am happy to say, even less to be apprehended. It is by no means a question of little moment to Great Britain; for our commercial interests connected with South America have grown of late into an enormous size: it is our policy, our interest, to take the lead in recognizing her independence; and, in recognizing South America, we confer an obligation not less upon ourselves than upon the independent states. It seems to me, then, that there must be some reason in the background, why the recognition has not hitherto been made—some other cause than any that has been avowed—why the

king's minister is to speak so ambiguously. Why do they wish to shelter themselves under these pretences of diplomatic difficulties, when none, in fact, exist? May it not be, that no wars in Europe or in America have occasioned this hitch, but a civil dissention nearer home, the existence of which has been proved by the proceedings in Chancery. This seems to me to be the light in which the policy of ministers towards the South American states is to be viewed; but the commercial world will not, and ought not to be satisfied, until it knows distinctly what is the line which the government intends to follow. The hon. and learned gentleman who has this night treated the subject with so much ability, will, I hope, pursue it further, and bring it forward in a distinct motion before the House. The right hon. secretary will then be bound to show us in what manner the interests of England can be benefitted by the mysterious policy which is now pursued; and what inconvenience, on the other hand, could result from that manly and straight-forward policy which the government is called on to follow? There should be something very plain, some very distinct reason—to prove that England should longer abstain from recognizing those new states. Unless something very distinct be stated as a reason for the course pursued, we must be compelled to believe, that the commercial world is kept in a state of uncertainty and suspense on a matter of punctilio. With respect to the effects of the recognition on those who have advanced their capital in the trade with those new states, it has been said, that the government cannot engage to guaranty it against the changes which may take place there. This, Sir, is true; but the government can give it greater security, by giving greater security to those states themselves—a security to which they are well entitled—the recognition of the independence they have, de facto, acquired. I repeat, that I think the House has no reason to be satisfied with the no-explanation which has just been given them on this subject.

Mr. Hume observed on the impolicy of this country in withholding a recognition of independence from states absolutely independent. He thought it extraordinary that government should persist in refusing to admit the independence of St. Domingo, which had been established upwards of twenty years. He recommended

this subject to the attention of the hon. member for Bramber, and wondered that he had not thought of it before, in his zeal for the welfare of the negroes, when this perhaps was the only way open to lead them into the customs and habits of civilised nations.

The petition was ordered to be printed.

ABOLITION OF SLAVERY—PETITION FROM CARLOW.] Mr. *Wilberforce*, in rising to present a petition for the Abolition of West-India Slavery, from the town and vicinity of Carlow, said:

I am naturally prompted to express the sincere pleasure with which I witness the deep interest that is taken by that generous people, our fellow-countrymen of Ireland, in the fate of that most wretched and degraded portion of mankind, the negro slaves in the West-Indies. I cannot, however, forbear availing myself of the opportunity which the presenting of this petition affords me, of communicating to the House the sentiments and feelings with which my mind is most powerfully impressed; more especially, I cannot suffer the House to separate for the ensuing recess, without entering my solemn protest against a course of proceeding relative to the black population of the West-Indies, of the consequences of which I cannot but entertain the most serious apprehensions.

I scarcely need require to be read to you the resolutions which were passed unanimously on this subject in the last session of parliament: they will, I doubt not, be fresh in the recollection of every one who is at all interested in this question. They declared, that the House was anxious for the arrival of that happy moment, when, by ameliorating the condition of the slave population in his majesty's colonies, and by a progressive improvement in their character, they might be equitably and safely admitted to the enjoyment of civil rights and privileges; and a degraded population of slaves be converted into a free peasantry. Such, Sir, was the unanimous declaration of this House; and, though directly contrary to the judgment and wishes of my friends and myself, my right hon. friend opposite to me (Mr. Canning) proposed, that the execution of these resolutions should be left to the colonial legislatures, in those settlements in which the Crown was not accustomed to act without their intervention; he nevertheless declared that if

any resistance to the express wishes of parliament should be made, which should partake not of reason but of contumacy, his majesty's government would not hesitate to come down to parliament for counsel. How the resolutions have, in fact, been received, it cannot be necessary for me to state to you. As it is unnecessary, it would be invidious to recite the heated and violent resolutions, which the legislatures of almost all the islands have ordered to be openly proclaimed in all our public newspapers, as their determined and unalterable opinions. I should have thought that contumacy was a mild term by which to characterize such insulting and menacing resolves. Yet, what has been the conduct pursued by his majesty's government? Not asserting the rights of the mother country, still less taking any measures for enforcing the resolutions of the House, they have satisfied themselves with issuing an order in council, whereby, in the island of Trinidad, a model is formed, to exhibit a specimen of the amelioration recommended to the other colonies; and it is hoped that, by degrees, their prejudices will be overcome, and they will become so enamoured of this fair model of civil and social improvement, that they will adopt the same regulations for the government of their own slaves.

Now, Sir, I must remark, that in trying any new experiment which we wish to recommend to the adoption of others, we should naturally select the field which would be the most favourable, and in which we might most confidently hope for success. But, though I grant it was natural to my right hon. friend to think of Trinidad on this occasion, in consequence of a measure he formerly proposed to parliament concerning that island, yet I must observe, that the ameliorating principles will there be tried under less favourable circumstances than in most of our other West-India settlements. There, the disproportion of the sexes is far greater than in most of our West-India colonies: for strange to say, in 1816, an actual enumeration of the slaves in the West-Indies having taken place, it was found, contrary to the reiterated and unanimous declarations of the West-Indians, that the number of female slaves was, in all the old islands, at least equal to that of the males. Again, there is in Trinidad a larger proportion than common of African negroes to the creoles. Nor ought I entirely to omit,

that the prevalence of the Roman Catholic religion in that colony, is of itself unfavourable and inimical to the growth of that moral and social improvement of which the spirit of liberty is to be an elementary and vital principle.

But, waiving this consideration, I must frankly state, that the plan of my right hon. friend, which depends for its success on the members of the West-India legislatures gradually laying aside their prejudices, and adopting the reformation they witness in Trinidad, is fundamentally hopeless: the expectation appears to me utterly vain. We might be assured of the truth of this position, by reason: it is confirmed to us by experience. The West-Indians abhor alike the end we have in view, and the means by which we hope to arrive at it. They frankly tell us, that the emancipation of their slaves would be their inevitable destruction; and their prejudices make them disapprove of the various measures we recommend for the improvement of the negroes condition. If they agreed with us as to our ultimate object, we might hope that, by degrees, their aversion would lessen to the measures by which we propose to accomplish it. Were those measures at all acceptable to them; we might hope, gradually and almost insensibly, to lead them forward to our end, by pursuing the course which should conduct to it. But when both means and end are alike obnoxious to them, the hope does appear to me to be far too sanguine which looks to their giving up their opposition, and at length adopting the principles we recommend. But, I say, this experiment has been already tried, and tried too under the most favourable circumstances; and yet it has utterly failed. They who were in parliament in 1797 cannot but remember the plan which a most respectable West-Indian proprietor, still in the House (Mr. C. R. Ellis) proposed to the House of Commons for the improvement of the condition of the negroes.* Supported by all the West-Indian interest in and out of parliament in this country, it was communicated to the different governors through the medium of a secretary of state who was known to be highly favourable to the colonists, the late duke of Portland. And, above all, it was enforced by what was likely to be the most efficient and powerful of all

* The plan will be found in the Parliamentary History, vol. xxxiii, p. 251.

considerations, distinctly stated to them by one of their own body, that if some such measures for the improvement of the condition of slaves should not be adopted, there was great reason to fear lest the much-dreaded law for abolishing the slave trade, should receive the sanction of parliament. This intimation was doubtless meant to be kept secret, but it was discovered by an accidental inadvertency. Nevertheless, Mr. Ellis's resolutions, though coming forward under circumstances naturally calculated to obtain for them the most favourable consideration, were scarcely noticed in the colonies; and, I believe, not a single legislature adopted any part of his proposed reforms. Again, Bryan Edwards, the warm partizan of the West-Indians, and their acknowledged and most able parliamentary advocate, recommended several most important reforms: yet he also addressed his countrymen in vain. And, if the amelioration of the condition of the slaves, when proposed to the colonial assemblies under such favourable auspices, and when there was no reason to fear that it would be urged as the ground of still further concessions, but with the directly opposite hope, was proposed in vain, how can we presume to believe that this system of amelioration will gradually overcome their prejudices and obtain their favour when recommended to them, as they will bear in mind, at the instance of those advocates for the rights of negroes whom they so much abhor; and when they foresee that the adoption of it is avowedly to lead to their conceding to their slaves the further boon of social and civil privileges?

But, Sir, the West-Indian legislatures are less likely to accede to our wishes, because they manifestly appear to conceive, that the stout and even menacing language which they have returned to the representations of the sense of parliament, communicated to them through the king's ministers, will have the effect of deterring government from its purpose. We appear to them at least to pause upon it, and we no longer express the desire we before declared, to see the effectual and decisive measure for ameliorating the slaves' conditions adopted without any unreasonable delay. This persuasion, suggested by the language of almost all the colonial legislatures, is confirmed by subsequent events, and, as time proceeds, instead of becoming more temperate, they appear to speak and act with augmented irritation. When

lord Bathurst's dispatch, enclosing the resolutions recommended for the immediate adoption of the government of Demerara, was first laid by governor Murray before the court of policy, which consists of the principal proprietors of the settlement, it was received not merely with decorum, but with favour. Governor Murray's reply of August 11th, 1823, which will be found in the papers on the table, contains no expression of disapprobation, and in the Minutes of the court of policy it is stated by the senior colonial member, that he had no doubt that the views of his majesty's governors, with regard to every practicable amelioration of the state of the slaves, would meet with a most ready acquiescence, both from the court itself and from the inhabitants of the colony generally. How little, then, was it to be expected, that at a public meeting of the inhabitants of the colony of Demerara, at which governor Murray is stated to have presided, not only the most determined hostility to the ameliorating measures recommended by parliament should be declared, but that the most inflammatory, and even what may be justly called seditious, nay, almost treasonable language, should be used, as to the right of the sovereign empire of the British legislature to command their obedience.

But, it is not in Demerara only, that we find a growing rather than a diminishing disposition to oppose the system of reform. All who know any thing of the West Indies must be but too well aware, that the great governing principle of the system is the depression of the black and coloured, and comparatively speaking, the exaltation, the almost deified superiority of the European race. This, indeed, as we have long contended, is the main spring of the whole machine. This it is, which extinguishes that sympathy which would otherwise excite in the white colonists kinder feelings towards their sable brethren; and therefore the augmenting or diminishing intensity of this prejudice, furnishes a test by which we may judge of the dispositions to promote or oppose the moral improvement or civil reformation of the colonial system. In Jamaica, a most gratifying symptom of the decline of this prejudice, appeared, about twelve years ago, when the privilege of giving evidence in courts of justice was granted to the free coloured inhabitant; but, when the free coloured inhabitants of Jamaica, now no less than 35,000, many of them possess-

ed of considerable property, and constituting the bulk of the insular militia, lately proceeded to raise their heads so high as to petition the colonial legislature to be admitted to the enjoyment of the privilege of freeholders, the proposal excited the highest indignation among the whites; and I cannot but ascribe to this source the extraordinary conduct which was laid before the House not long ago in the petition of Messrs. Le. Cesne and Escoffery. I can scarcely conceive any possible excuse for such an act of violence: and I am sure that some strange deception must have been practised on the duke of Manchester to induce him to consent to such oppression. These men, it will be remembered, having been arrested with the intention of sending them out of the Island, on the ground of their being aliens, had obtained a writ of Habeas Corpus, and by proving in open court their being natives of the Island had been delivered from their oppressors. Being again seized, they were not allowed the opportunity of delivering themselves by recourse to the law, but were hurried away to Hayti; and there they would have been consigned, by the Haytian government, to a dungeon, but for their happening to have brought away with them the Jamaica Gazette, which contained the account of their former seizure and deliverance. By the way, their being taken to Hayti, is, of itself, a proof how little credit the Jamaica government gave to the excuse alleged for seizing them, that they were secret agents of Boyer, the present chieftain of Hayti; for had this been really so, would they have been guilty of the folly of sending Boyer men, who, having lived long in Jamaica, must have been able to give him the most particular information he could desire, about the island. I need not recapitulate the rest of the cruel treatment these men experienced. I only urge it as a proof of the growing hostility entertained in the West Indies towards the African race.

But, a still more shocking instance has been exhibited lately in the Island of Barbadoes. It may be necessary to state to the House, that the circumstances of that Island are peculiar. It contains a much larger number than any other, of white men of small property; and the consequence is, that though one of the earliest of all our West-Indian settlements, and though it contains many men of liberal feelings as well as of good education, there prevails among the lower whites, the

bulk of the white population, a most bigotted and vulgar prejudice against the African race. It was the influence of the low whites on the assembly of Barbadoes, that so long rendered the law of that island different from those of all the other colonies, by punishing the wilful murder of a slave with a small fine, instead of making it a capital crime; and the very proposal by the governor, lord Seaforth, himself a West-Indian proprietor, that the wilful murder of a slave should be made capital, stirred up the anti-African spirit, the consequence of which was, the perpetration of several barbarous murders of slaves, with circumstances of the most detestable cruelty. The well-educated and right-minded inhabitants of Barbadoes, felt, I doubt not, as we should do, on this occasion: several of them expressed their warmest condemnation of such atrocious outrages. Nevertheless, all that could be effected by the influence of the governor and of the higher classes was, to obtain a law in 1805, that the wilful murder of a slave should be a capital crime if it should be committed without provocation. And it was not till the year 1818, that the wilful murder of a slave in Barbadoes became, as it had previously been in all our other colonies a capital crime. Lord Seaforth himself, in writing to lord Camden that he had proposed bills to both Houses, rendering the murder of a slave capital, foretold, that though the Council, he doubted not, would be unanimous, on the side of humanity, the Assembly would throw out his bill; and for many years I believed that his prediction had been literally verified. Nor was it till lately, that I learned, that a compromise had been made, which, however, altogether defeated his lordship's benevolent purpose, by providing, that the murder of a slave should be a capital offence if, beside being malicious and cruel, it should be without provocation. Such, however, was the law until 1818, when at length the punishment of death was enacted for the wilful murder of a slave even in Barbadoes. In that Island the House of Assembly is too much under the influence of the low whites; and thence it is, I presume, that the free coloured people are still in the lowest state of degradation. They are no more allowed to give evidence in a court of justice than slaves: while the evidence of slaves is received against them. In short, except in not being constantly subject to the lash of the driver, their situation is not

better than that of slaves, and, inasmuch as they have no one to look up to, as in some sort their natural protector, their condition may even be said to be worse. Thus circumstanced, it was not unnatural that they should wish for some amendment of their condition.

Again, the hostility towards the religious improvement of the slaves, though I am truly glad to know, not universal, is yet, in some colonies, augmented of late. For of this we have a proof in the resolutions in Demerara of the 24th February last, that all missionaries of every kind should be excluded from the colony; not, observe, the missionaries of the London society only, to whom it was urged by some of their advocates that their hostility was confined, but all missionaries, of every kind and description. The same truth has been established more strikingly in Barbadoes, by the destruction of the methodist chapel, attended with circumstances that appear to imply that the passions of men are excited to such a state as to effect almost a dissolution of all civil government, when the religious instruction of the slaves by the missionaries comes in question. And surely, Sir, I might urge the unmeasured abuse with which the advocates of the slaves are treated, as a proof how little the moral improvement of the negroes can be safely committed to such hands. There are no terms of gross abuse which are not poured out upon us. We are not only termed innovators, visionaries, counterfeit philanthropists and fanatics; we are likened to tygers and hyænas—language, not escaping from a hot-blooded individual, in the earnestness of extemporary speaking, but contained in an address from the two Houses of Assembly to the governor of St. Vincent's. When these gentlemen and our other West-Indian opponents thus vilify us, and especially when they exclaim against us as innovators and fanatics, do they remember, that we are only contending for changes to be effected by gradual means, which were not merely contemplated, but in one case actually brought forward, by men the most highly respected for their statesman-like wisdom and acknowledged political sobriety—by the late Mr. Edmund Burke, by the late lord Melville; the latter also, at the very time, the advocate of the West-Indians, on whose proposal for emancipating all who should be born after the year 1800 I never can reflect, without bitter concern,

except for the probability I cannot but see there would have been, that he would have shrunk back from the execution of his own measure; but the names of these men might at least scare us from being thus stigmatized as the wildest as well as most mischievous of projectors.

All the arguments and statements I have been urging, prove, but too decisively, that it is utterly in vain to hope that the colonial legislatures will be gradually led to imitate the reformation to be exhibited to them in the island of Trinidad. In fact, it is clear, that the colonists misunderstood us: that they conceive that we are not acting up to our own resolutions, in consequence of the sturdy front with which they have opposed us: that we are pausing on the execution of our purpose; and that they have only therefore to maintain the same tone of resistance, to secure them from our further annoyance. I am disposed to think, that my right hon. friend deceives himself as to the probable conduct of the West-Indian assemblies, by insensibly admitting the persuasion, that the West-Indian proprietors in this country, many of whom, his own personal friends, are men of the most humane and liberal minds, are a counterpart of the opinions and feelings of the colonists actually in the islands. Nothing, alas! can be more different, nor can any conclusions more fatally mislead him, than those which should proceed on the supposition, that the latter class is in any degree to be considered as a resemblance of the former. But whether from this or any other cause, I am but too sure that my right hon. friend's expectations—that the colonial assemblies will ere long adopt our views—are altogether illusory. But, were it only for my persuasion, that my right hon. friend is indulging expectations that never will be realized, I should not probably have now intruded myself upon the House. It is not so much that his plan is hopeless; but it is in the highest degree dangerous. I will not go into particulars, only let the circumstances of the western hemisphere be fairly taken into account; consider the number of emancipated negroes all around our own islands, both in Hayti and on the continent of South America: consider the immense disproportion between the blacks and the whites in our own islands; and the indiscriminate and contemptuous hostility which is too commonly manifesting itself in the hands of white men that are immersed in

such a mass of African origin; and then remember, that you have been exciting the hopes and tantalizing the feelings of the great body of the population, who, as all accounts testify, are continually looking to your resolves, with anxious anticipations. It is not from us they hear or have heard of this; it is from the meetings that are held in the islands themselves, where, in every parish, resolutions are formed, that tell the whole tale, and at least suggest all its grievances. It is from the conversation at the table of the whites, as in the case of Demerara, from that of the governor himself, that these reports are circulated. And then call to mind, how, in all instances, it is most dangerous thus to trifle with the hopes and fears of human nature. I may refer to the effect of this vacillating policy on the population of Paris in the year 1792; and still more on that of St. Domingo. My mind is seriously apprehensive of the consequences of this hesitating at least, if not fluctuating policy. Had we thus acted in the instance of the abolition of the slave trade, we should still have been carrying on that disgraceful traffic. We know but too well that it is now carried on to an immense extent by our neighbour nation, which is basely seeking for gain in the blood and ordure with which we would no longer be defiled. We English were considered to be actuated by a love of commercial profit, while they were high-minded and heroic—a nation of cavaliers. But, I repeat it, had we acted thus in the instance of the abolition, we should still have been carrying on the slave trade; for then the language of the West-Indian legislatures was the same as now. I can recall it to the recollection of the House in the instance of Jamaica, by reminding those who were then members, on its being urged that if we should pass our abolition law, Jamaica would transfer its allegiance to some other power, Mr. Fox exclaimed, “If that be the condition of our connection with them, let them go.” They then declared, they never would submit to the law of abolition, and that it would be impossible to force it. This declaration of the impossibility of preventing the universal importation of negroes, was not made merely by individuals, but by the colonial legislatures themselves; and yet, scarcely had the law of abolition passed, than, although one set of resolutions against it had been voted by the assembly of Jamaica, after the law had re-

ceived the royal assent, but before the tidings of its having passed reached that island, than the language was altogether changed, and in a few short years, it was an affront to a West-Indian to suppose that he was not as decided an abolitionist as myself. And so, Sir, it would be in the present instance. Let but the imperial legislature assume its proper tone, and maintain its just authority, and all will go on quietly; and you will soon witness with delight the accomplishment of your benevolent purposes. It is under the influence of this persuasion, and of the apprehensions I have already rather hinted at than expressed, that I have felt it my imperious and indispensable duty to disavow for myself, and I believe for those in general who concur with me on these subjects, the system of conduct which government is now pursuing respecting the West-Indian colonies. It is with reluctance and pain that I have come forward, but I believe it my absolute duty to protest against the policy on which we are now acting, “*liberavi animam meam*”—May it please God to disappoint my expectations, and to render the result more favourable than I anticipate!

Mr. Bernal could not but complain, that at the close of the session, and after so many discussions on the subject had taken place, the hon. member should have thought proper to introduce it again to the House in this manner. He thought it a little hard that the hon. member should not have afforded to those who were connected with the colonies, the means of replying to the statements now brought forward. He could not but complain of the manner in which the colonies of Jamaica and Demerara had been blended together, when, in fact, no connexion existed between them. Did the hon. member think it consistent with his duty as a christian senator to charge the whole of the white population of Jamaica with acting severely towards the slaves, because, in a moment of distress and irritation, they had acted with apparent severity towards two individuals? If he did—if on that single act he chose to make a general sweeping charge against the whole population—he (Mr. B.) was fully prepared to deny the charge, and to assert, that every means had been adopted in that island to improve the condition of the slaves. The hon. member had spoken of delay, and seemed to wish that something should be accomplished in a few weeks, which

all history must have informed him required almost centuries to be brought to perfection. He expected that to be accomplished by a miracle in a short time, which could never be accomplished but by years of attention and perseverance. Lord Melville had been referred to; but surely the hon. member did not mean to say that he had aimed at emancipation. If the people in Barbadoes were suffering under the hardships stated, it was much to be regretted; but that was not the case with the slaves in Jamaica. The spirit of invective, he might say of insult, exhibited in these reiterated complaints, was not calculated to allay the stormy spirit which the hon. member had said existed among the colonists. If that hon. member wished the colonists to meet him cordially, let him act towards them in the spirit of christian charity and brotherly temper, but not with insult, invective, and threat.

Mr. Secretary *Canning* said, he rose, in the hope of bringing this discussion to an end. It was well known, that after frequent deliberation, the House had last year decided, that it was expedient to pursue a certain line of conduct towards the colonies, which line of conduct they afterwards embodied in certain resolutions, and recommended it to be adopted by his majesty's government. The government acquiesced in the recommendation so made to them, and this year announced to parliament their intention to carry the plan into effect. His hon. friend knew too well the sincere respect he entertained for him, to believe that it was his intention to say any thing unkind towards him; but he felt compelled to tell his hon. friend, and those who entertained similar opinions, that they must make up their minds either to let the government pursue the course which parliament had chalked out for them, or else to propose some other plan, and bring it fairly before the House. But, of all the proceedings that could have been adopted, he thought that which his hon. friend had made choice of was the most unfortunate. He had taken that opportunity, at the end of the session, to express his dissatisfaction at the course which had been pursued, and to regret that some other had not been preferred. His hon. friend thought the government was slow in carrying into execution measures for ameliorating the condition of the slaves. To this objection, he would answer, that the evil which it was their ob-

ject to remedy was the growth of ages; and that it would be impossible to pursue, in accomplishing that object, a course which should be at once rapid and wise. But, whether it were wise or not, it was that which parliament had laid down; and, willing as the government was to obey it, he for one would throw from himself the responsibility of its failure, if fail it should, upon those who now sought to interfere with and to thwart its operation. When it had been resolved to adopt that course, he was not insensible that, in order to make it efficient, it would be necessary to pass by all the demonstrations of ill-temper which might be manifested on the part of the colonies. He regretted therefore the more, that, upon the present occasion, all those topics which he had wished to see thrown aside had been brought forward with no other view that he could discover, but to aggravate the ill-temper and insult the feelings of the colonists, and to interfere with the progress of that plan which, he repeated, had not been invented by the government, but adopted, in compliance with the wishes of the House. That plan must, he was convinced, be pursued with temper on one side at least; and if the colonies should appear to be deficient in that valuable quality, there was so much the stronger reason that it should not be lost sight of by the government. If the operation of the plan was really too slow, he deeply regretted it; but he was by no means convinced of the fact. If his hon. friend thought it advisable to assert the supremacy of the mother country, and to support that supremacy by an armed force, let that question be discussed; but let it not be brought forward in the manner attempted that night. Government would not shrink from any task, however painful, which the true interests of the country might impose; but his hon. friend was quite mistaken if he thought they did not see, when they entered upon the course they were now following, that, while on the one hand it required great resolution, energy, and perseverance, it demanded on the other, no less temper, forbearance, and allowance. His hon. friend seemed to regret that the experiment, as it was called, had been tried first in Trinidad. He must say, that he saw no grounds for that regret. With respect to Demerara, the same policy would be pursued; and with regard to the other colonies, no time would be lost in carrying the most effec-

tive measures into operation. But hon. gentlemen should not measure by weeks and days, that work which would require the laborious exertions of months and years. If, at the end of that time, any impression should be made upon an evil, the magnitude of which he contemplated with as much horror as his hon. friend, no reasonable person could have cause to complain.

Dr. *Lushington* called the attention of the House to the statement he had made on a former evening, on presenting a petition relative to the case of *Le Cesne* and *Escoffery*. Now, to show the spirit which existed against the coloured people, he found, that after they had been deported to *St. Domingo*, one witness had accused *Le Cesne* of having himself sold arms to the conspirators, at the very time he was in custody. He trusted the hon. secretary would furnish the House with all the documents, to prove that it was proper that two individuals released by the court of King's-bench at *Jamaica*, should be taken up within six hours afterwards and sent off to *St. Domingo*.

Mr. *Huskisson* wished to set the House right on one point, namely, that the insurrection at *Demerara* had not arisen in consequence of the cruel treatment of the negroes on the plantation "*Success*." Having been aware that his hon. friend, was the proprietor of a plantation there, he had asked him for some explanation of the transaction, and his answer was, that he was quite at a loss to know in what manner the statement could have originated. His hon. friend had transmitted positive instructions, that every measure should be adopted for the amelioration of the condition of the slaves on his property.

Mr. *W. Smith* said, if his hon. friend had proposed that the extirpation of this enormous evil should take place in days or months, or in less than a course of years, long as he had acted with him, he should decline going further with him: but, there was a great difference between proceeding rapidly to a point, and receding from it. He thought there existed too little disposition in the colonies to afford protection to the free people of colour, and contended, that such a neglect on the part of the colonial governments could only have the dangerous effect of disposing those people to make common cause with the negroes, a circumstance which, if it ever did occur, would be productive of most

fatal consequences. When he looked to the slave population of the several colonies, and found it decreasing from year to year, he must believe that there was something radically bad in the system by which they were governed.

Mr. *F. Buxton* said, he did not rise to protract the discussion by any lengthened observations, but rather for the purpose of asking two or three important questions of the hon. secretary opposite. With regard to the charge against his hon. friend, who had been guilty of the grave offence of taking the present opportunity of expressing his feelings and delivering his conscience, he must say, that he thought it most desirable that there should have been some discussion. He thought it most fit and proper that the House and the country should know how far he and his friends were responsible for any irritation that prevailed. He admitted that to a certain extent they were responsible. They had used all their endeavours to advance that great and important question, the result of which would be, to raise seven hundred thousand of our fellow-beings from the lowest state of degradation. For himself he could say that he did not lament any part he had ever taken in these discussions. He considered that he and those gentlemen who acted with him were responsible for the measure until they had succeeded in bringing about a full and entire amelioration of the condition of the slaves. He did not expect that this was a result to which their exertions could hastily be brought; for neither he nor his friends had any other expectation than that those unhappy beings who were now slaves must continue so until the end of their lives; but he did think that, by a proper and timely application of the requisite means, the children of those slaves might be made capable of enjoying their freedom; that when so capable they should be allowed to enjoy it; and that the right should not be delayed beyond the time that they were capable of enjoying it. This he thought might be effected by his majesty's government; and so far they were answerable. For such efforts as were likely to bring about this desirable result, he and his friends were responsible. They were not however answerable for the violent language which had been recently held in the colonies. When they talked of flinging off their allegiance, and throwing their weight into the scale of a

hostile nation, he would ask, whether they were not themselves the chief cause of the irritation. With respect to the free people of colour, he concurred with his hon. friend in thinking that too little protection had been extended to them by the colonial governments. If they were to have an extension of privileges granted to them, he was persuaded they would be as loyal to the Crown and constitution as any class of subjects in the world; but if, on the contrary, this extension were denied, it might lead to dangers which he would almost dread to mention in that House. As to the recent insurrections at Demerara he thought it was a most unwarrantable assertion to say that they were in any degree produced by what had passed in that House. He would contend, that they arose from the silence and secrecy which were observed with respect to the letter of government sent out to that colony. Rumours had gone abroad in the colony respecting it, which were increased and exaggerated in proportion as there appeared a desire to conceal the truth. It was a singular thing that, while the contents of that letter were carefully concealed from those to whom it was of importance that they should be known, they were partially told to the slaves and domestics of the governor. It was to this culpable silence on one side, and partial communication on the other, that the disturbances of Demerara were to be attributed; and not to any thing which had passed in that House, or any thing which had been said or done by the missionary Mr. Smith. But there was another point on which he would say one word, as it had been but slightly alluded to in the former debate—he meant the outrageous proceedings against the missionary at Barbadoes, whose chapel was destroyed, and he himself forced to fly to another island. Of these disgraceful scenes, the House were as yet but partially informed—of the punishment of any of the offenders, they had not heard a word. This was not the time, nor this the opportunity, for going into all the details of that atrocious transaction; but he now gave notice, that if the culprits should not be previously brought to justice, he would, early in the next session, without being deterred by the apprehension of danger or of censure, use every endeavour in his power to drag to justice the authors of that most foul and cruel act of oppression that ever was

committed. The questions which he had to ask the hon. secretary were, first, whether government had made any declaration or sent any instructions, with respect to the treatment of the free people of colour? The second was, whether all the colonies were to be placed in the same situation as Demerara and Trinidad, with respect to the instructions sent from government in the letter to the former place? The third was, whether any, and what steps had been taken, and with what success, to bring to justice the persons guilty of the gross outrage on the missionary at Bridge-town, Barbadoes.

Mr. *Wilmot Horton* began by answering the last question of the hon. gentleman, and for this purpose read a copy of the letter which had been sent out to the government of Barbadoes, on the subject of the outrages committed there. In that letter, his majesty's high displeasure was conveyed, at the occurrence of such a violent breach of the laws, and the most positive orders were given, that every possible step should be taken to bring all persons guilty on that occasion to punishment. The result of that communication could not yet be known to the government here. With respect to the first question, as to the treatment of the free people of colour, he would say, that a legal commission was now in operation in the West Indies, for the purpose of making inquiries respecting the laws and institutions of some of the islands, and one object of that commission was, to examine into and report upon the condition and situation of the free people of colour there. With respect to the other question, he would answer, that it was the intention of government to make the order in council applicable to all those colonies which had not a local legislature. He would not enter into the general question. He was only anxious to point out the bad effect of any and every word of discussion on this subject, and to say how much the re-action was felt in the office to which he had the honour to belong.

Mr. *Brougham* said, he could not agree with those who censured his hon. friend for taking that opportunity, evidently the last which could occur in the session for expressing his opinion upon a series of measures which had never been discussed and upon some extraordinary incidents which had only recently come to his knowledge. But, were he and his friends to be accused of having too constantly

raised this question, and of having produced irritating feelings amongst the slaves? How often had they brought it forward? An hon. friend behind him said three times, but he would beg leave to deduct one; for the case of Mr. Smith, the missionary, was a case of individual oppression. Then what became of the three discussions on the same subject? Twice only had this subject been discussed, and once of that twice was the present occasion. Notwithstanding the almost unexampled interest which the subject had excited, the question had been only once the subject of discussion before the present evening, and on that occasion, too, it was introduced by the hon. secretary himself. Was it, then, too much in his hon. friend now to wish to bring it forward, particularly as the important information had arrived in the country only the other day? With respect to that most scandalous outrage at Barbadoes, not committed under the cloud of night, nor by a few individuals, nor by the mere rabble, but by many persons, calling themselves respectable, carried on for several days, with manifestoes issued, boasting of what they had already done, and declaring their intentions for the future, was it not strange to learn, that all the vigilance of the Barbadoes police had not been yet able to seize upon one of the criminals, and drag him to justice. However, after they should learn in Barbadoes what had fallen from his majesty's ministers respecting it, he trusted they would begin to bestir themselves in the affair, and that in a short time we should hear of some of the guilty parties being brought to justice. The learned gentleman went on to contend that no mischief could arise in the West-Indies from any discussions of the question here; for the subject had been debated year after year, for the last five-and-twenty years, without producing any such effect. The question, which had been discussed by the warmest advocates of freedom, was not the immediate abolition of slavery. The object of those repeated discussions was, not to break the slave's chains and arm him with the fragments, but by a gradual improvement of his condition, by timely and proper instruction, to lay such a foundation for his future emancipation, as would make such a measure uninjurious to himself and safe for the master. No real friend to the measure ever expected to arrive at so desirable a result by hasty steps. But, there was a great distinction

between proceeding too rapidly in the course, and not moving at all. After having made the advance, were we now to retrograde? Were we not to persevere in that course of preparation and progressive instruction, which would eventually make emancipation beneficial to the slave and safe to the master; and which consummation would alone make freedom a boon to that unhappy class of persons? In his conscience, he believed no greater evil could happen to those unhappy regions where slavery existed, than what would be produced from the violence of those who resisted the emancipation, and the vacillation of those who advocated it [hear].

Mr. *Butterworth* defended the missionaries from any disposition to interfere with the political concerns of the colonies. Their instructions were most positive against any such interference, and he believed that they were all disposed to adhere to such instructions.

Colonel *Bagwell* observed, that cause and effect had never been more clearly connected in any case than they were in the resolutions which the House adopted in the last session of parliament, and in the recent insurrection of the blacks in Demerara.

Sir *G. Rose* observed, that, under the present constitution of society in the West-Indies, with a population of 600,000 negroes, standing in need of religious instruction, and under the difficulty that existed, of getting clergymen of the church of England to go there, we should be grateful to those missionaries, who, under a sense of religious duty, devoted themselves to such a labour. As to the people of the West-Indies, the House was bound to look with great indulgence to their conduct, when it recollected how remiss this country had been in providing them with spiritual instruction.

Mr. *Baring* observed, that if there had recently been a persecution of missionaries in the West-Indies, it had arisen from a sincere conviction in the minds of the planters, that they were not conducting themselves in the mild and gentle spirit of that religion of which they professed to preach the doctrines. He defied any person to point out any rational cause for the late insurrection at Demerara; which, if it had not been originally instigated, had certainly been much promoted by the proceedings of Smith. He complained, in strong terms, of the exertions

made by various societies at home to delude the population of this country, and to irritate the slave population in the West Indies. If those societies should ever succeed in carrying their notions into effect, they would ruin the colonies by the perpetual riots and insurrections to which they would give rise. The government at home, instead of balancing itself between the two parties, should speak out in a manly and decided tone. By so doing it would allay the fears of the planters abroad, and put a stop to the unworthy manœuvres which had been played off in parliament against them, both during the last and the present session. He considered the presentation of this petition as the last of the manœuvres which were to be played off this session, and he therefore felt it his duty to denounce it accordingly.

Mr. *Hutchinson* expressed great indignation at the term "manœuvres" being applied to the efforts made in that House to ameliorate the state of slavery in our colonies.

Sir *F. Blake* was of opinion, that the House ought to enjoin the colonial legislatures to do what was right; and if they did not obey the injunction willingly, compel them to obey it. He was sorry to observe that the right hon. secretary of state could not abandon, even upon this subject, his darling scheme of neutrality: he meant, that he allowed both parties to do what they liked, without interfering to check the excesses of either. The right hon. secretary thought he could satisfy the people of England by saying, that slavery should be abolished. Now, he would tell the minister, that he for one was not satisfied with this declaration. He must know not only the year, but the month, the week, nay, the very day, when slavery was to be abolished, before he could be satisfied. The resolutions of the last session had neutralized expectation; and those of the present session had extinguished the last rays of expiring hope. It was the insertion of three little words that had done all the mischief—those three words were, "the earliest period." It was clear that by those words, either something was meant or nothing. Now he thought that nothing was meant by them, and he would tell the House why. The words "the earliest period" were no better than the words "some time or other;" and every body knew that "some time or other" meant no time at all. The

right hon. secretary, in not fixing a time when slavery was to be abolished, had omitted the primary point in his resolutions. His conduct reminded him of a person who built a very fine house, and discovered, after it was finished, that a material part of it was wanting. What, do you think it was, Mr. Speaker? Nothing less than the staircase.

Mr. *Evans* justified the conduct of the missionary society, and said it was highly improper to charge them with promoting schemes which were likely to end in insurrection, bloodshed, and death.

Sir *C. Forbes* said, that the missionaries, if not narrowly watched, would cause our expulsion, not only from the West, but from the East Indies. In that opinion he knew he was not singular: nay, he would venture to say, that the majority of the House were of the same sentiments, if they had only the candour to avow them.

Mr. *Baring*, in explanation, said, that he had never charged the missionary society with fostering schemes that were likely to end in insurrection and murder. On the contrary, he thought that the missionaries were likely to effect much good, supposing them to steer clear of all projects of ameliorating the political condition of the slave.

On the question, that the petition be printed,

Mr. *Wilberforce* said, he had not thrown out any reflections upon the collective population of the island of Barbadoes. He well knew that the sentiments entertained by the higher orders of the planters in Barbadoes with respect to the treatment of their slaves differed very materially from those entertained by the lower orders; but, unfortunately, the assembly of the island was so constituted, that the sentiments of the lower orders generally prevailed in it, and thereby prevented any great improvement in the state of the slave population. He likewise said, that he was only performing an act of justice to lord C. Somerset, the governor at the Cape of Good Hope, in observing, that he had exerted himself in looking at the religious education of the slaves in that colony, even before the subject was placed under his consideration by the vote of that House. The charges which had been brought against the missionary society were supported by no proof. From the bottom of his soul he believed that no person connected with the missionary so-

ciety had been instrumental in exciting discontent amongst the negroes.

Mr. *Baring* expressed his opinion that the minds of the members of the missionary society had become heated with respect to the subject of negro emancipation. They had organized establishments in every town in the kingdom, for the purpose of preparing petitions to parliament. The society viewed the West-India proprietors with the most deadly hostility, and had made up their minds to attain the object they aimed at, at the risk of creating a convulsion in the colonies. These were his opinions, and he would not shrink from declaring them. He imputed no improper motives to any gentleman in that House; but he could not help thinking that the hon. member for Bramber and some of his friends were incited to bring the question of slavery so frequently before the House, by some persons behind their backs.

Mr. *Brougham* said, that so far from his hon. friend having brought forward motion after motion with respect to the question of slavery, this was the first time during the session, that he had introduced the subject. Neither had there been any petitions presented on the subject until the latter end of last session.

Ordered to be printed.

ROMAN CATHOLIC CHURCH ESTABLISHMENT IN IRELAND.] Mr. *Dominick Browne* said, he had been waiting ever since five o'clock to bring forward the motion of which he had given notice. At that late hour, however, he would decline to bring it forward, but would content himself with moving it, in order that it might be placed on the Journals, with the intention of renewing it next session. The hon. member then moved, "That an humble Address be presented to his Majesty, to represent to his Majesty that, as Protestants, we regret that the Reformation has made so small progress in Ireland, notwithstanding the establishment of a reformed church in that country for nearly three centuries:—To express our opinion to his Majesty, that the adherence of so large a mass of the people of Ireland to the Roman Catholic church, however erroneous, is founded in their conscientious conviction of the truth of its doctrines, as the laws, for one century highly penal, have constantly excluded persons professing that religion from places of honour or profit, thereby offering the

strongest temporal inducements to conversion:—To pray his Majesty will be most graciously pleased to adopt such measures as shall seem meet to his wisdom for forming an Establishment of the Roman Catholic Church in Ireland suited to that religion, to which a vast majority of his Majesty's subjects in that country, constituting a great proportion of the whole population of the United Kingdom, are devoted, and subject to regulations, at once consistent with the rights and dignity of his Majesty's Crown and with the religious tenets, ecclesiastical discipline, and honourable independence of that Church."

Mr. *S. Rice* was of opinion, that the placing such a resolution on the Journals without any previous discussion, would create alarm in Ireland, and tend to defeat the object which the hon. member had in view.

Mr. *Canning* thought it would be better to withdraw the notice.

Mr. *D. Browne* said, that there had been an understanding between his right hon. friend opposite (sir G. Hill) and himself that he should be allowed to place his motion on the Journals.

Sir G. Hill said, that his hon. friend had misunderstood him.

Colonel *Trench* objected to the motion being put on the Journals.

Mr. *Peel* observed, that no circumstances would induce him to agree to the motion.

The motion was, by leave, withdrawn.

HOUSE OF LORDS.

Wednesday, June 16.

SCOTS-JURY BILL.] The Earl of *Lauderdale* moved, that this bill be committed, in order that it might receive such amendments as would remove any objection to which it might be liable. An act had already passed, giving the right of peremptory challenge in Scotland, and that being the case, it was quite impossible that the law by which the judge had the discretion of selection could be permitted to continue in its present state.

Lord *Melville* could not agree to go into a committee on the bill. He allowed that the selection by the Judges, of the 15 composing the jury from the 45 names returned to the court, was a practice which had better not exist. But, having made that admission, it did not follow, that the present bill was the best mode of

getting rid of the evil. There were many objectionable provisions in it. He did not conceive any alteration necessary in the mode of summoning the jury. Persons tried for felony in Scotland had advantages—such as being furnished with the lists of the jurors and witnesses, and a copy of the indictment, fifteen days before their trial—which fully counterbalanced any inconveniences in the mode of empanelling the jury. There would, however, be no difficulty in framing a bill to put an end to the discretion of the judges in selecting the jury from the returned list: and he would bring in a bill for that purpose early in the ensuing session. He concluded by moving “that the bill be committed this day two months.”

The Duke of *Athol* said, that clauses which were impracticable had been introduced into the bill, because those who framed it were not sufficiently acquainted with the law of Scotland. He particularly objected to the clause relative to the alphabetical order of parishes, which, in the county with which he was more particularly connected, would render it difficult for a summoning officer to return a jury in less than six weeks.

The Earl of *Rosslyn* could not understand why the noble viscount had pointed out the advantages afforded by the law of Scotland to a person accused, unless he meant to argue, that the security for his receiving justice was already too great, and that therefore more power ought to be given to the judges, or to the Crown, in returning the original list of jurors. He was ready to admit, that in cases where no particular feeling existed, in which no political question was involved, it was in general a matter of indifference how the jury might be chosen. It was certain, however, that cases did occur in which any improper selection of the jury should be guarded against, as well in the first return as in the second selection. Whether the mode to be adopted should be balloting or any other, he would not at present discuss. When the noble viscount said that no alteration in the mode of summoning the jury was necessary, he perhaps was not aware that the Court of Justiciary, in consequence of the same faces always appearing on juries, had passed acts of sederunt, directing an alteration in the mode of summoning; but these acts were not executed, and it required the force of law to produce a change.

The Earl of *Aberdeen* was against the

bill in its present state, but would willingly support a measure for doing away the objection to which the present mode of selecting the jury was liable. He had formerly been against balloting, but upon reflection he thought it would be the best mode.

The bill was ordered to be read a second time that day two months.

HOUSE OF LORDS.

Thursday, June 17.

MARINE INSURANCE BILL.] After counsel had been heard against the bill,

Lord *Bexley* said, he rose to move the second reading of the bill, notwithstanding the arguments of the learned counsel. The object of the bill was, to relieve the country from a monopoly established upwards of a hundred years ago. The capital which then was thought sufficient to carry on the Maritime Insurance of the country was not now sufficient. If the premiums now paid were as low as competition could make them, the companies complaining would not be injured by the measure; if they were not, the competition of other companies would reduce them. There was at present a practice, whether legal or not he would not say, of parties mutually insuring their vessels; and it was a fact that such parties paid a much less sum than the amount of the premium at Lloyd's.

The bill was read a second time.

NEW CHURCHES BILL.] The Earl of *Liverpool* rose to move the second reading of this bill. Their lordships would recollect the measure passed some time ago for granting a million to build new churches. That act had fully answered the expectations. There was, however, a necessity to add to the grant, as there were many parishes which had not churches for one-fourth of their inhabitants; it was thought proper, therefore, to take a sum of 500,000*l.* from a fund which had been recently obtained, and apply it to the building of more churches under the same regulations as the former million was granted. The act, however, gave the diocesans power, when two-thirds of the sum requisite for building a church were subscribed by the parishioners, to permit them to elect the clergyman. In the populous diocese of Chester, this provision had already been acted on with considerable benefit.

Lord *King* thought the latter part of

the bill the best. Only allow those who would undertake to build churches on speculation to nominate their own parsons, and there would be no necessity for public grants of this sort. Speculators would be sure to select the best performers, and they would then get amply remunerated by the rent of their seats. But, as long as they were under the control of the rector of their parishes, he would be sure to put in a worse performer than himself, and ruin the speculation. He did not see, as this money, if it had been applied to remit taxation, would have gone into the pockets of the people, why the Catholics should be deprived of their share. The French government had built churches for their Protestant subjects; and he did not think it would be unworthy of the government of this country, when it was bestowing so much money for building churches, to give some of it for building churches for the Catholics.

The bill was read a second time.

CRUELTY TO ANIMALS BILL.] On the order of the day for committing this bill,

Lord *Calthorpe* made several observations in support of the principle of checking wanton cruelty, and stated it to be his intention to move some amendments in the committee.

The Earl of *Rosslyn*, being of opinion that legislation on this subject did great mischief, would oppose the bill. He dwelt on the injustice which might be done to the owners of horses and cattle, if this bill passed. On comparing the bill with that which it professed to amend, it would be found that all the provisions which limited the penalties to intentional cruelty were left out, so that no persons would be safe in the management of animals, on subjecting them to necessary operations. Any cutting even of the skin might be held to be cruelty under this bill. He would therefore move, that it be committed this day three months.

Lord *Suffield* said, he would agree with the noble earl in his objections, if the execution of the bill were to be left to the magistrates; but when it was provided, that the cases should come before a jury, he thought there was no danger of the law being abused.

After a few words from lord *Calthorpe* and the Lord Chancellor, the amendment was agreed to, and the bill was consequently lost.

HOUSE OF COMMONS.

Thursday, June 17.

DERRY CATHEDRAL.] Sir *G. Hill* presented a petition from the parishioners of Templemore, of which parish the cathedral of Derry was also the parish church. This petition, he said, had been adopted at a vestry lately held, the dean of Derry presiding. The object and prayer of it were, to induce the House to institute an inquiry, whether any economy fund existed applicable to the repair of the cathedral. The petition stated that the parishioners had been for a length of time deprived of the use of the cathedral. This had produced a feeling of soreness and anxiety amongst as numerous and respectable a protestant congregation as belonged to any cathedral in the united kingdom. It had been repeatedly urged by the dignitaries of the diocese of Derry, that the cathedral, with respect to any claim of repair, was no more than any parish church in the diocese; the parishioners had accordingly assessed themselves, in the year before last, to an amount, sufficient to put an entire new roof on the cathedral, but further repairs were necessary, beyond the convenience of the parish to levy all at once. They, therefore, under the authority of an act of last session, proposed to the Board of First Fruits in November last, to rate themselves to the extent of 60% a year, as a security to the Board, under the provisions of the 13th section of the said act, for an advance to the parish of a capital sum, at 4 per cent, which would have afforded 1,500*l*. The reply returned by the Board of First Fruits was, that they had not sufficient funds in their hands. In order to provide for the immediate repair of the cathedral and the rebuilding of the spire, the Corporation voted 80% a year in perpetuity, on which to raise a fund for this purpose. The parishioners likewise voted 60% a year, with instructions to the member for the city of Derry to bring a bill into parliament to legalise these respective votes, and to provide powers for raising money thereon. Individual subscriptions were subsequently solicited; the bishop subscribed 850*l*., and the dean 100*l*. To vest the money which might be thus raised in trustees, and to secure its due application, was the first object of a bill introduced this session. The bill had another object, which was, to create a permanent fund for the future support of the cathedral; by charging,

after present incumbency, 500*l.* a-year upon the deanery of Derry, grounded upon the precedent of the 37th Geo. 3rd, to increase the fabric fund of the cathedral of Lichfield, and upon the precedent of an Irish public act passed in 1790, charging 300*l.* a-year for ever on the deanery of Down, as a fund to support the cathedral of Down. Petitioners felt themselves aggrieved by the rejection of this bill on the second reading, unless other parties besides the parishioners were liable to the repairs of cathedrals. Amidst the doubts, however, upon this subject, and the difficulty of rendering available various funds which had been recently alleged to have been diverted from their proper purposes, this most respectable congregation had remained without the use of this sacred edifice, to which they were peculiarly attached. Even since the rejection of the bill, it had been alleged by the bishop of Derry, in a return made to this House, that there was not any economy fund applicable to the repairs of this cathedral. The dean and chapter of Derry had lately made a similar return; yet documents moved for, and now before the House, stated the particulars of funds which were at one period at least in existence, and applicable to this purpose. This petition also refers to the Irish Society, who are supposed to have built this cathedral originally, and with some obligation to assist in its permanent support. Under all these circumstances, petitioners felt justified in considering themselves neglected and ill-used, if immediate provision should not be made to relieve them from the difficulties under which they laboured. He was happy to state that, he had the assurance of his right hon. friend, the secretary for Ireland, that a strict investigation should be made into the existence and past application of the funds referred to in this petition. He might be asked, then, why had he brought it forward? His answer should be, that he was urged so to do by these petitioners, his constituents, who were anxious thus to prove to the world, that the bill which they had solicited had been sought for, on their part, with the purest anxiety for the credit of the Church.

Mr. Alderman *Wood* charged the petitioners and the lessees of the estates near Londonderry, held under the Irish Society, with great ingratitude. The corporation had been uniformly good landlords. They built schools, and provided,

years ago, the money for erecting a stone bridge; but, up to that hour, the foundation of the said bridge was not laid. He took a retrospect of the first connexion of the corporation with these estates. The very first year, the then bishop of Derry embezzled the whole of the money due at the period out of the rents. There were funds amounting to nearly 6,000*l.* per annum, accruing out of the fisheries, that might be made available to the repairs of the cathedral. These funds were misapplied; and, not satisfied with that, the parties turned round and abused the Irish Society in newspapers, and in a petition which the right hon. baronet had had the courtesy to suppress.

Ordered to lie on the table.

ORANGE PROCESSIONS—PETITION OF MR. LAWLESS.] Sir *James Mackintosh* said, he held in his hand a petition from Mr. John Lawless, the proprietor of a newspaper published in Belfast, and who in that capacity might be considered more than a single item in casting up the account of public opinion. The prayer of the petitioner was, that the legislature would put a stop to all religious processions in Ireland. That such a measure was desirable, he believed every member would willingly agree, though there would undoubtedly be differences of opinion as to the mode of carrying it into execution. That these processions widened the breach between the members of different religions, no man in his senses would now dispute. The petitioner stated, that all attempts to put an end to them, except by law, would be utterly useless; and he (sir J. M.) begged leave to add, that if it were thought of consequence to the country that parliament should avow its disapprobation of them, as it recently had done, there could be no harm done in promulgating that disapprobation in the shape of a law, prohibiting their future celebration. He had observed in a newspaper, that the Orange society of Dublin had recently published a notice to the different provincial societies, recommending them to discontinue the procession on the 12th of July next. He applauded the Orange society for what they had done upon this occasion; though, if the same degree of justice were meted out to them which they were in the habit of meting out to the Catholics, it might be said, that the notice which they had given was very much in the shape of an order, and

their recommendation very like the exercise of an act of sovereignty. He could have wished that they had gone still further, and recommended those with whom their recommendation had weight, never again to commemorate the victories of civil war—those victories, which, though they conferred laurels stained with kindred blood, produced little emulation and no triumph—"nullos habitura triumphos" which the generous or the wise would wish to commemorate.

Ordered to lie on the table.

PETITION OF BERNARD COILE, COMPLAINING OF SUFFERINGS DURING THE REBELLION IN IRELAND.] Sir *James Mackintosh* said, he rose to present a petition from an individual who complained of a succession of the most unexampled wrongs, connected with those scenes which the tragic drama enacted in Ireland had exhibited for the last twenty-five years. It appeared from the petition, that Mr. Bernard Coile, about thirty years ago, introduced into the north of Ireland, a branch of the cotton manufacture from Scotland, where he was educated. It was the branch of the muslin manufacture. In giving to Ireland, above all other nations, any such boon as the introduction of a new manufacture, he was a benefactor to his country. About the years 1795 or 1796—when first the Orange system was introduced into the north of Ireland; and when the county of Armagh was in that state of anarchy and violence which had called forth the memorable declaration of lord Gosford—the petitioner was arrested under a warrant, certainly without a parallel in the judicial records of this country. In that warrant, Mr. Coile was described as a reputed Papist, and with having also given ball-cartridge to a soldier with the view of overturning the government of the country. On that serious accusation he was never brought to trial, and was subsequently enlarged. The malice of his enemies was not satisfied. Though enlarged, he continued to be annoyed by a series of petty vexations. The result was, that he was compelled to leave that very county in which he had introduced a new branch of manufacture, and went to reside at Dublin. Soon after broke out the rebellion of 1798. Yet, such was the conduct of Mr. Coile at that time, that he was not for a single hour deprived of his liberty. In 1803, he was arrested as a state prisoner, and sent to the gaol

of Kilmainham. Here began a tissue of outrages, perpetrated, in a great degree, by a Dr. Trevor, such as were unprecedented in the history of any civilized country. These outrages were of so cruel a nature—they abounded with expedients so calculated to degrade our nature, and to revolt public feeling—they formed such a combination of meanness and malice—they were so miserable, and yet, for the base object of vexation and cruelty, so nefariously operative, that he would not disgust the ears of that House, by reading them. It was sufficient to say, that the prisons of France, even under the rule of the sanguinary Robespierre, never exemplified greater atrocities. It happened, at length, through the intervention of a nobleman, who, through his whole life, had been anxious to step between the oppressor and his victim—he meant the marquis of Hastings—that Mr. Coile was liberated. In 1808, the late Mr. Sheridan brought the subject before the House of Commons, and succeeded in obtaining a royal commission to inquire into the state of the prisoners confined in Kilmainham. The persons whose sufferings were the subject matter of inquiry, demanded that the investigation should be public. Those whose deeds were the object of proof, demanded that the inquiry should be secret; and with these the commissioners acquiesced. The consequence was, that only one of the state prisoners was examined, and he was suspected to have been an informer. The only other witnesses were the turnkeys and servants of the gaol, accomplices in the alleged cruelties. The absence of lord Hastings from England, and the death of Mr. Sheridan, disheartened the petitioner from proceeding in his attempts to obtain redress. He had, however, been encouraged to renew them, by the liberal feeling which the House exhibited towards Ireland last session. He therefore wrote to him (sir J. M.) at the close of it, requesting him to undertake the presentation of it. He wrote back to the petitioner, that he considered the period of the session to be too far advanced, and advised him to defer the presentation of it till the present session. The petitioner concurred in the propriety of the advice, and had, in consequence, come over to England, at the latter end of May, judging, from the experience of recent sessions, that the present would not terminate before the middle of July. He trusted that inquiry would be made into the

subject of it, in order that blame might fall upon the petitioner if he had calumniated the government, or upon the government if they had injured the petitioner in the manner which he had stated.

Mr. *Goulburn* observed, that as he had been in his present office only two years, it could not be expected that he should be able, at a moment's notice, to give an immediate answer to the allegations contained in the petition. He trusted, however, that the House would not argue, from his silence on the subject, against the character of any person whom the petition might be intended to implicate.

Mr. *John Smith* observed, that the petitioner had applied to him to present the petition, but really, without having the strongest reasons for believing the allegations of the petition, he did not feel himself justified in presenting it. There were parts of the allegations so revolting to human nature, that he would not enter into them; but he agreed, that it was indispensable to the character of the House and of the country, that they should investigate the disgusting tale; for never in the worst of times had there been any thing more monstrous. If the petitioner made out his case, it would certainly be the duty of the House to take care that he should be fully compensated.

Mr. Secretary *Peel* was not prepared to affirm or deny, at the instant, any of the allegations in the petition. He had had some experience of the conduct of Dr. Trevor, and from that knowledge he could be brought but very slowly to believe any thing to his disadvantage. It would be unjust to the accused person, that the charge against him should be generally dispersed, without any opportunity being offered for answering it. He trusted, therefore, that the learned gentleman would be content with laying the petition on the table. Early in the next session the subject might be properly investigated.

Mr. *Hutchinson* hoped his majesty's government would pledge themselves to take the case of the petitioner into consideration. The prayer of the petitioner for remuneration for his great loss of property was wholly unconnected with the merits or demerits of Dr. Trevor. Having unfortunately resided in Ireland at the period to which the petition alluded, he begged leave to state, that the outrages in Ireland, from 1794, to the time of the rebellion, which rebellion, in his conscience, he believed those outrages

created, were such as had never been perpetrated in any other civilized country. He asserted, that the Catholics of Ireland were, during that period, treated with the greatest barbarity, both in Dublin, under the eye of the government, and in other parts of Ireland, on account of their religion. From his knowledge of what was committed at that time, he thought it extremely likely, that the outrages described in the petition had really occurred.

Sir *J. Mackintosh* consented to withdraw the petition for the present session, with the view of bringing it forward as soon as the House should meet in the next, but not with any view of invalidating any allegation in the petition.

ROMAN CATHOLIC ASSOCIATION— PETITION OF, COMPLAINING OF THE MORNING CHRONICLE.]

Sir *F. Burdett* said, he rose to present a petition, which differed from the last in most of the particulars. It contained no painful references to those sad scenes of anguish and woe which went before, which accompanied, and which followed, the rebellion in Ireland. It was couched in terms so appropriate; it stated views so accurate; it contained sentiments so correct and just; that he had no hesitation in saying that the duty of offering it to the consideration of the House was as highly gratifying to him, as the putting it forward was creditable to the petitioners. The petition was signed by a number of gentlemen forming themselves into a Catholic association in Dublin; and they met for the just and laudable purpose, of instituting measures for recovering, by fair, legal, and constitutional means, rights which had, in his opinion, been only too long and unjustly withheld from the people of that country. The petitioners complained, that they had been most grossly misrepresented—if not in the speeches of some gentlemen in parliament, at least in those channels which were known generally to convey accurate information to the country of what passed within the walls. And though the petitioners would not pretend to any knowledge of what actually passed in the House, they complained that the representations of it tended in this instance, to injure their characters and feelings, and, what was of more importance to them, those interests of Ireland which it was their chief object to promote. The petitioners greatly desired to partici-

pate in those advantages which the constitution undoubtedly held out to all who were within its protection; and they alleged, that no portion of the community had ever displayed a more firm, unfeigned, disinterested, and persevering loyalty, than had the Catholics of Ireland to the Crown of England. Nothing, on the other hand, could be more unjust, as nothing could be more undeserved, than to charge the Irish Catholics with any deficiency of loyalty; and this charge ought to be received with the more jealousy from parties whose loyalty was interested, and who wished to monopolize to their own advantage all the powers of the state, and to have at their command all the emoluments of government. It was a species of loyalty, which, to say the least, came before their view in a very questionable shape. The party to which the petitioners alluded, and to which, as the Dublin Catholic Association, they were opposed, was that which collected its forces under the name of Orange Societies; and the members of which societies had the confidence to complain to parliament of the Catholic Association; those members who assembled by secret means—whose ties of union were not revealed to the world—who used secrecy and hidden symbols—who had refused to make known their signs when called upon by the House—who had, in the person of their champion, baffled and defeated the power and functions of the House, and set it at defiance, and in a measure carried a victory over some part of its privileges—whose institution and purposes were declared by high authority to be illegal—who confessed themselves bound by secret, and therefore illegal, oaths—the members of such an institution—so the petitioners allege—had the confidence to complain to that House of the Catholic Association, which met in the eye of day, every thing being publicly proclaimed—their proceedings not connived at merely, but clearly warranted by law—the object most constitutional—the means resorted to no less constitutional; their end and aim being to recover their civil rights, and to prevent the evils which were likely to ensue from a continued denial of those rights to a brave and generous people. He would not term such conduct bigotry; it did not deserve the name, unworthy as it was; but still more worthy than the real motives which, in his opinion, actuated the parties against whom the petition complained, and who thus sought to colour

over and varnish their purposes with this contemptible pretence, only exceeded in degradation by that which really influenced them, but which they dared not to acknowledge. These gentlemen had met together in Dublin, and formed themselves into an association, for the laudable purpose of directing the attention of their countrymen to constitutional and peaceable modes of obtaining redress—to keep their minds under a course of unmerited suffering and privation from absolute despair, and by fixing their hopes firm on the constitution and the laws, to preserve themselves from wandering into what had been eloquently termed “the wilderness of natural rights.” This was the unhappy condition of Ireland—a condition, which, in the present enlightened state of this country, could not much longer remain as it was; and, whenever the parliament should take the subject in hand, they would have to regret that they had not made just concessions at an earlier period, when fewer of them would have satisfied the Catholics, and when they might have been granted with far less embarrassment to the government.

Ordered to be printed.

SCOTCH JUDICATURE BILL.] Mr. Secretary *Peel*, in moving the order of the day for the second reading of this bill, said, that in wishing that the bill should not proceed any further this session, he was not actuated by any hostility to the measure. He approved of the principle on which it proceeded, and had a high respect for the commissioners, on whose unanimous report it was founded. But as he understood that there was an anxious desire on the part of the Scottish members, to consult their constituents on the subject, as numbers of the Scotch people wished to present petitions to the House respecting it, and as many Scotch members had left town, he thought the House should not carry the measure beyond its present stage. He was the more anxious for this course, as the appendix to the report, containing the evidence on which it was founded, was not yet in print. He would, therefore, move that it be read a second time, that day two months.

Mr. *Abercromby* confessed that he was much disheartened by the speech of the right hon. gentleman, as after the delivery of it, it would be a mere mockery to hold out to the people of Scotland the slightest hope that the bill would ever be passed

into a law, at least during the administration of the right hon. gentleman. Experience of the recent course pursued with regard to the Scotch-Jury Bill, convinced him that the same expedients would be resorted to to defeat the present bill. The right hon. gentleman seemed singularly anxious to obtain the opinions of the constituents of Scotch members. Now, who were the constituents to be so consulted? Not the great mass of the people interested deeply in the administration of justice, but the obedient freeholders of the lord advocate [hear, hear]. The learned lord, and his friends might cheer, but there were thousands and thousands who were not represented. To put the fate of the measure upon such an issue must, of course, be its destruction. The right hon. gentleman might call himself a supporter of the measure, but, at the utmost, his zeal was lukewarm. Public opinion might, in time, prevail, to remedy the evils admitted in the report, but the House was always far behind public opinion. Had this measure been a Tax bill, or an Insurrection act, no such delay would have been attempted. He wished to put two questions to the learned lord: first, whether the report of the commissioners was unanimous; and, secondly, whether there had been among them any understanding, that the bill should not be passed until next year.

The *Lord Advocate* contended, that as it was not proposed that the bill should take effect till after the 11th of May, 1825, there would be ample time in the next session to pass it before that date. The report was unanimous, allowing for certain slight shades of opinion, which it was not held necessary to mark, and there had been no understanding, that its recommendations should not be carried into effect this year by the passing of the bill upon the table. He was persuaded that delay would not defeat it.

Mr. *Kennedy* said, that if the House had been reduced to the necessity of postponing this bill, the conduct of government had placed it in that predicament. He was afraid that by the clamour which was raised, and the ignorant opinions which were expressed, the measure would ultimately be sacrificed.

Mr. *W. Courtenay* regretted that the bill had not been brought forward earlier, but circumstanced as they now were, he was prepared to postpone the measure to another session. There certainly had been

the fullest communication between the commissioners. His learned friend was therefore fighting the air, in supposing there was any concealed hostility to the measure. He believed that the more the suggestions in the report were canvassed, the less opposition would be made to the measure.

Lord *Binning* thought the House ought to avoid the appearance of thrusting down the throats of the people of Scotland, a measure which they conceived to be second to none in importance since the act of Union. The proposed delay was essentially necessary to ensure the success of the measure.

Mr. Secretary *Canning* said, he consented to the postponement of the measure out of a feeling of respect for the people of Scotland, who were at present greatly opposed to the bill. The conduct of government had been censured in this question; but let the House remember that, up to a very late period, there was no idea of the kind of feeling which existed on the subject. He would, however, venture to predict, in opposition to the predictions of gentlemen opposite, that in the course of the next session this bill would substantially pass into a law. In proposing delay, he had no other object in view than to soothe the present hostile feeling, and by soothing to overcome it.

The bill was read a second time and ordered to be committed this day two months.

[EAST-INDIA POSSESSIONS BILL.] Mr. Secretary *Canning* said, that according to promise, in moving that the House should resolve itself into a committee on the bill, he proposed to state shortly the nature of the negotiations out of which it proceeded. He took the liberty of doing this, because, although the bill was more immediately in the hands of his right hon. friend the president of the Board of Control, the treaties from which it emanated originated when he (Mr. C.) had the honour to fill the office which his right hon. friend now held. In order to form a correct judgment with respect to the transactions which he was about to detail to the House, the situation in which the Dutch were placed with regard to East-India possessions at the last general peace should be called to mind. At that period all the possessions which had been taken from the Dutch during the war were, by treaty, restored to them. He was not now called

upon to discuss the policy or expediency of that measure; but if it were necessary, he was prepared to show, that, under the circumstances of the times, it was the interest of this country not to press too hard upon the Dutch government. But, for his present purpose, it was sufficient that what he had stated was the fact, and that the treaties by which the Indian possessions were restored to Holland received the unanimous approbation of parliament. In this state matters stood when he entered upon the office of president of the Board of Control, some time in 1816. At that time many stipulations of the treaties were only in the course of being carried into effect, and many others had been not very distinctly or definitively explained; so that many points were open for discussion between this country and the Netherlands. It had happened, unfortunately, that out of the natural eagerness of one party to get possession of settlements from which they had been driven by force, and the no less natural slowness of the other party to give them up, delays interposed, difficulties were raised, and a degree of ill-humour had grown up amongst the agents on both sides, which required great management and forbearance to appease. Much of this embarrassment was occasioned by the conduct of the subordinate agents of the East-India Company, who went further than they had any right to go. They took upon themselves to question the policy of the treaties by which the possessions had been surrendered to the Dutch, and looked rather to remedy what they conceived to be the error of the stipulations than to carry them into effect. He was willing to give the servants of the company credit for the patriotism, pride, or generous feelings by which they might have been actuated; but when agents, at a distance from their government, forgot, or departed from, the purposes for which they had been appointed, they imposed upon government the necessity of supporting at all extremities, and at whatever inconvenience, or of at once disavowing, their proceedings. He spoke within compass, when he stated, that in the course of 1816 and 1817, not less than half a dozen treaties were negotiated by the individuals to whom he had alluded, without the shadow of an instruction for that purpose. He had felt it his duty to inform the East-India Company, that the Crown would withhold its sanction from all those treaties. About this

period, repeated representations were made to him of the grasping disposition which the Netherland authorities showed, to drive the English out of the trade, and to retain the exclusive possession of it themselves. As was his duty, he constantly desired that a specific act of that nature should be pointed out to him, in order that he might bring it before the Netherlands government for its disavowal. His request, however, was never complied with. He could only obtain general assurance of the covetous disposition of the Dutch, and of their determination that we should never have a sail in those seas again. In vain did he call for facts, he was only met by an obscure kind of reference to the "massacre of Amboyna" [a laugh]. On the other hand, he received complaints from the Netherlands government of the tardiness of the British agents, and of a desire on their part to indemnify their country for the restorations of territory which their government had made. It happened, too, most unfortunately, that, at the time to which he was referring, an individual, in one sense most distinguished, who had exhibited great zeal and ability whilst filling the office of governor of Java (governor Raffles), was sent as resident to Bencoolen. Some how or other, however, the humble name of resident, which implied nothing more than a superintendant of pepper, was changed into the high-sounding title of lieutenant-governor of Bencoolen. The Netherlands government took the alarm at this circumstance, and imagined that the British intended to make Sumatra the seat of a government among the islands, equal in power to that which they possessed on the continent of India. Thus did ill-humour and angry feelings arise between two nations whose best policy it was, to remain on friendly terms with each other. The chief complaint against the Netherlands government was, that it acted on the principle of exclusive trade. The first step, therefore, which he had taken in the negotiations, from which the bill before the House proceeded, was, to obtain a disavowal of that principle on the part of the Netherlands government. It was not, to be sure, usual in diplomacy to frame treaties for the purpose of recording principles, but as in the present case it was the only point at issue, it was done. By the same treaty Great Britain became possessed of Singapore, and of about twelve islands which the Dutch possessed off the continent of

India. Those islands were of no great importance in themselves; but there were many inconvenient questions of rights and revenue connected with them. For example, the Dutch asserted a claim to participate in the trade in opium, which we never allowed. When the English complained of the desire which she evinced to maintain an exclusive trade to those islands, they were apt to excuse themselves by a reference to the example of the English on the continent of India; by getting possession of the islands, therefore, we ceased to have any cause of complaint, and at the same time got rid of the tu quoque of the Dutch. The objects, then, which it was proposed to attain by the treaty were; first, the recognition of the principles of free trade; secondly the acquisition of Singapore, and the ridding the Dutch of their possessions on the continent of India, and consequently of removing those grounds of irritation which would have existed, so long as the Dutch possessions had remained intermixed with ours. Every one of those objects had been attained by the treaty. In return for all these advantages, we had given up Bencoolen, and had agreed upon a line of demarcation between the British and the Dutch settlements. He thought he could convince the House that the cession of Bencoolen could not be considered a very serious loss by Great Britain. In so little estimation was Bencoolen held by the East-India Company, that they had actually mooted the question of its total abandonment; and they had resolved to retain it, not on its own account, but because it was not known into what hands it might fall. So far was Bencoolen from being of any advantage, that it was actually maintained at an annual charge of 85,000*l*. The only return which it was pretended the island could make for this expense was the production of spices. But it should be known that the Indian government had given the ground, furnished the plants, and paid for the cultivation of those very spices. Could it be wished that we should retain possession of Bencoolen on those terms? When it had been proposed, and most wisely in his opinion, to abandon Bencoolen altogether, without any return, it was a little hard that people should quarrel with government for getting something for it. He was aware it had been said, that in giving up Bencoolen we had furnished the Dutch with the means of carrying on a most valuable trade in spice. With that

he had nothing to do, the Indian government having made the spice plantations after the treaty had originated. He believed, however, that the anxiety which seemed to be felt on that score would be abated, when it was known, that the East-India Company had now in their stores from five to six years consumption of every kind of spice. Under these circumstances it was not probable that the country would be exposed to the want of cinnamon—he meant to say of nutmegs and pepper. The mention of cinnamon reminded him that we had a monopoly of that article. When it was made a matter of complaint against the government, that they had not wrested more from the Dutch hereally could not have the face to say that we had a right to expect more than we had obtained. How could we complain of the Dutch having a monopoly of spice, when we possessed a monopoly of cinnamon, opium, salt, &c.? It might afford some consolation to those who had a particular regard for those savoury ingredients, to know that Singapore was found to be particularly well adapted for the production of spices, and although it would take some time to bring the plantations there to maturity, yet, as the East-India Company had six years' consumption in their possession, the probability was, that unless some new appetite for spices should be created, we should have some of our own production before the stock on hand could be exhausted. He did not, however, suppose the Dutch would be mad enough to maintain the monopoly which had been found perfectly unprofitable up to the present period. He did not pretend to be a judge of the value of Singapore which we had gained by the treaty. He only knew that, from the time when he first became connected with Indian affairs, Singapore, had been pointed out to him as the unum necessarium for making the British Empire in India complete. It completely commanded the Straits of Malacca, which were a most important channel of navigation. In addition to this advantage, we had obtained from the Dutch a pledge to the maintenance of free trade, to a greater degree than had ever before been practised by any power in Asia, and had put a final extinction to the Dutch title on the continent of India. In return for these advantages, we had given the Dutch the barren settlement of Bencoolen which cost 85,000*l*. annually, and which it had been in contemplation to abandon. Surely such a price could not

be considered too dear. He trusted that the House would be of opinion that nothing was done by the treaty which was inconsistent with the interest of the British possessions in India, or of those larger national interests to which the former were subordinate. The new possessions would be placed under the administration of the East-India Company, who would govern them under the same responsibility which attached to them in the administration of the other British Indian possessions. He would move, "That the Speaker do now leave the chair."

Mr. *Hume* was of opinion it would ultimately turn out that the concessions which this country had made were of greater importance than the right hon. gentleman would have them appear. He condemned the policy which the right hon. secretary's predecessor in the foreign office had pursued, with regard to our Indian possessions. The noble lord, by giving up the island of Java, had not only, broken faith with the natives, whom he turned over, bound hand and foot, to the Dutch, but had inflicted a deep wound on our commercial interests. The right hon. gentleman had said, that it was thought right, at the conclusion of the war, to favour the Netherlands government. But, if that were to be the excuse for surrendering Java, why had not all the Dutch possessions been abandoned on the same principle? Why did England retain the Cape of Good Hope, Demerara and Essequibo. The cession of Java, he maintained, took place in utter ignorance of the interests of England, and to the great surprise and joy of the Dutch. Notwithstanding the ridicule which the right hon. gentleman attempted to cast upon governor Raffles, if government had acted upon the plans of that officer, they would have avoided those blunders which they had committed. Every act of our government in the East Indies went upon the very same principle which the right hon. gentleman had that evening turned into ridicule. He could never agree to the present bill, because the treaty which it ratified violated almost every other treaty which we had made for years past with the native powers. It was idle to suppose that this treaty would put an end to the heart-burnings and jealousies which we had had for years past with the Dutch. It might allay them during a period of peace; but they would revive in full vigour whenever hostilities should take place?

It was said that we were getting rid of a monopoly. This he denied. The restoration of these islands to the Dutch would create as great a monopoly at the end of six years as existed before we had them, and would, besides, completely ruin many of our own planters. A spice plantation took about twenty years in coming to perfection. Now, several of our plantations had just arrived at that period of their growth in which they were most likely to remunerate the exertions of their owners. Would it not be a heart-breaking circumstance to those individuals, to find that all their efforts were rendered abortive? After abandoning the natives to the Dutch, it was not, perhaps, inconsistent to consent to the ruin of our own planters, for the sake of advantages which, in his opinion, were inconsiderable. Indeed, he would ask what were those advantages? Was it one of them that we had lost every port in the Straits of Sunda, and had thereby given up the command which we once possessed over the whole East-Indian Archipelago? It was true, we had obtained all the ports in the Straits of Malacca, and also the island of Singapore; but as to the former, he would merely observe that a pig-stye was as good; and as to the latter we were in the possession of it before. If there was any meaning in this act, we had excluded ourselves from the whole trade of the Eastern Archipelago, and, by so doing, had deprived the nation of incalculable advantages. He then quoted several passages from Mr. Crawford's book on the Eastern Sea, for the purpose of showing the great extent to which our commerce in that direction might be extended, and proceeded to condemn the ministers for having sacrificed, by a stroke of the pen, all the advantages which might have been derived from that quarter. If the House wished to act with good faith, and to preserve the interests of the country, it could not accede to the bill. To pass it would be virtually to acknowledge the treaty to which it referred, and to give the House a chance, of escaping from such disgrace, he should move as an amendment "That the bill be committed on this day six months."

Mr. *Robertson* condemned the treaty, and contrasted the negligence of the English negotiators, with the precaution of the Dutch. By giving up Bencoolen we should greatly injure our China trade, which at present produced a revenue of three millions annually. The occupation

of the Straits of Sunda by an enemy's fleet, would compel our China vessels to go by the way of New Holland, and would thus add to the usual voyage a distance equal to that from England to the West Indies.

Mr. Wynn stated, that the passing of this bill would make no difference as to the execution of the treaty to which it referred, inasmuch as it had been already ratified, and guaranteed by the good faith of the country. The speech of the hon. member for Aberdeen referred rather to the treaty of 1814 than to the present treaty, as he did not seem acquainted with the places to which allusion was made in the latter treaty. He denied that, in case of war, our trade to China would be at the mercy of the Dutch. Bencoolen was not a fortification of any strength. When we were at peace with the Dutch, we were entitled by this treaty to friendly offices at Bencoolen; and when we went to war with them, he had no doubt we should be able to take it. He contended that we had not been guilty of any breach of faith to the native powers in ceding these islands to the Dutch, and further argued that the price of spices had not been increased, but, on the contrary, had been diminished by their cession.

Mr. Bright opposed the bill, because he believed the treaty which it ratified to be a breach of good faith to the native powers and was only made by the Dutch for the purpose of being violated. He contended, that the islands ceded, were part and parcel of the property of the Crown of England, and that being such, they could not be ceded without the consent of parliament.

Mr. Astell contended, that the treaty was calculated to put an end to all the differences which existed between the English and Dutch governments. He denied that it gave the command of the Straits of Sunda to the Dutch. As we had Prince of Wales's island at one end of them, Singapore at the other, and Malacca in their centre, we had full command of those Straits, and therefore could not receive any material annoyance in our trade with China.

Mr. Trant observed, that the arrangement which the treaty had sanctioned, had received the approbation of the commercial houses interested in the trade of the Indian Archipelago. The cession of the Dutch settlements on the continent of

India was of great importance in relation to policy as well as revenue, and it would be highly desirable, by treaties with the French, Danes, and Portuguese, to obtain from them the cession of the other European settlements on that continent, which were much more injurious to us, than beneficial to them.

Sir C. Forbes, in allusion to what had been said of the grasping spirit of the Dutch government in India, said, that in this respect there was not much difference between the Dutch and the English powers in that quarter. There were six of one, and half a dozen of the other. The ruling principle of both was rapine. In looking over this treaty he could consider it in no other light than as a division of spoil between the English and Dutch governments, in which no attention whatever was paid to the claims of the native powers. The arrangement had several advantages upon the face of it: but experience of the Dutch character had taught him to fear, that those advantages would not remain long in our possession. Indeed, he had that very day received information from Singapore, containing an account of the success of the Dutch expedition against Borneo, which induced him to suspect that their designs upon that island would be quickly followed by similar designs upon Sumatra, and the other islands of the Archipelago which we had ceded to their tender mercies. Now he would ask the right hon. secretary whether, when he signed this treaty, he had any knowledge that the Dutch had sent an expedition against Borneo; and whether he would have signed it if he had known that fact? He regretted the precipitation with which our negotiators had acted. If they had waited for the arrival of sir S. Raffles, which was daily expected, they might have escaped many of the errors into which they had fallen. He allowed that the intentions of our negotiators were good, but contended that many of the provisions to which they had assented were not the most wise and prudent.

Mr. Money highly approved of the treaty. In Borneo the Dutch had only a few military settlements at the mouths of rivers, and we were left at full liberty to trade with all that great island, abounding in the richest productions of the earth. The native trade to Singapore, from the Eastern Archipelago, was very considerable. The Dutch settlements on the

Indian continent ceded by the treaty, had been represented as insignificant. Territorially they were so: but these settlements, fifteen in all, might be most mischievous as affording a refuge to disaffected subjects, and the means of clandestine trade. The settlement of Singapore was becoming more and more important every day, and the country was highly indebted to sir S. Raffles for the fostering care with which he had superintended the planting of it.

The amendment was negatived, and the House went into the committee.

[SUPERANNUATION FUND BILL.] Mr. *Powell Buxton* moved the order of the day for the third reading of this bill. If this subject had come under consideration at an earlier hour he should have called the attention of the House to the situation of certain Custom-house officers, and also to that of certain occasional tide-waiters. There was one subject, however, upon which he felt himself compelled to say a few words. It would be in the recollection of the House, that, in consequence of the distress which existed some few years ago, the superannuation act was passed, by which a certain per centage was taken from the salaries of all the inferior servants of the government. Coupled with that measure was another by which a voluntary contribution of 10 per cent was taken from the salaries of those who filled the higher offices of the state. Now, it appeared to him most clear, that the same principle which applied to the first class of these reductions of salary also applied to the second, and that if the House gave its sanction to a measure which gave to the inferior clerks their full maximum of salary, it should, by some clause in this act, virtually repeal that clause of a former act which took 10 per cent from the higher officers. Both were in fact parts of the same transaction: they sprang from the same cause: they took place at the same time: and they had the same object. One just objection to them both was, that they were a species of separate and exclusive taxation. It might be right, or it might not, to reduce the salaries of particular bodies of individuals; but it was unfair to subject them to exclusive taxation. Another objection to it was, that whilst we granted with one hand, we withdrew with the other—a practice which he considered in every way reprehensible, it being much better to give

a certain sum at once, than to have recourse to such a double-visaged system. These reasons applied alike to the clerks and to the heads of offices; but, he had no hesitation in observing, that there was another, and a very forcible reason, for the suggestion which he was then making. He was one of those who thought that the ministers of the Crown were far indeed from being over-paid. Their salaries were by no means so large as they ought to be, considering the establishments they were obliged to keep up. Upon the principles which he had laid down, any gentleman who thought the salaries of ministers too great might vote for him to-night, and to-morrow come down to the House and propose that their salaries should be cut down by a direct and intelligible measure to the amount at which they now stood. These were his opinions, and he should not have been happy if he had not had an opportunity of stating them before parliament broke up. For all the reasons he had stated, he thought it highly desirable that it should be distinctly understood, that parliament, in sanctioning one of the cessations of deduction, should be considered as virtually sanctioning the other. It was not to be expected that his majesty's ministers were then prepared to give their opinion on the subject [a laugh from Mr. Hume]. All he wished was, that they would take it into consideration, and he was sure, notwithstanding his hon. friend's laugh, they would do so, as if the question had no personal reference to them whatever. He knew the meaning of that laugh, and also the sentiment which his hon. friend meant to convey by it. He would therefore state the reasons which had induced him to act as he had done. The clerks had applied to him to undertake their case. Upon mature consideration he conceived it to be a just one; but he declined undertaking it, recommending them to intrust it to some member of parliament who had greater influence with the House than he had. In consequence, they intrusted it to the hon member for Yorkshire; and the result had been the introduction of the present bill. If he had introduced the bill, he should have made the same statement to the House on introducing it that he had just made to it. In saying this, he wanted no advantage to be conferred on any particular class; on the contrary, he should be satisfied if the House took such measures as would meet and answer the justice of the case.

Mr. Hume reminded the House that the superannuation act had arisen out of a recommendation of his majesty to make a reduction in the salaries of the public officers proportioned to the change which had then taken place in the currency. The House accordingly did so, and he now called upon it not to be led away by erroneous principles of compassion. The noble marquis who brought that measure into parliament told them, that if a reduction of 15 per cent were made in the salaries of the clerks above 200*l.* which had been increased during the war, the clerks would be in a better situation, even when so reduced, than they ever had been whilst they were receiving their highest amount of salary. Considering this bill to be a great dereliction from the principle on which the former bill was founded, considering also that there had been a great diminution of taxes since the passing of the former bill, and that the income of every man, save these clerks, had decreased in consequence of the change which had taken place in the public securities, he should move "That the bill be read a third time that day six months."

Mr. Banks seconded the amendment. This bill had not been sufficiently considered; and though it was very extensive of itself, the hon. member for Weymouth had wished to mix up with it another question totally independent of it. The reduction of salary to the higher officers of state was a voluntary measure, and was limited to a duration of five years. The reduction of salary to the inferior clerks was made perpetual. This bill would entail an annual expense of at least 20,000*l.* upon the public.

Mr. Croker observed, that before the superannuation bill was brought in, a committee, consisting of the heads of departments, had sat daily at the chancellor of the Exchequer's and had revised and reduced all the offices. In his own office every clerk had lost 50*l.* a-year, or in that proportion. Even clerks with 150*l.* a-year had had the odd 50*l.* lopped off.

Dr. Lushington approved of the bill, and thought that the chief officers of state were under-paid.

Mr. C. Forbes complained that the secretary to the Board of Control was the only public officer for whose services, however long, no provision was made by law. He recommended some proceeding to remedy that hardship.

Mr. Canning was of opinion, that the

secretary of the Board of Control ought to be included in the same scale of provision as other public officers; because, independently of the labour which that functionary performed, it was desirable that a person who had gained the information necessary to the performance of the duties of that office—information which was not, perhaps, of so inviting a nature as that connected with European politics—should be tempted to continue in it. He thought it necessary to say thus much on this occasion, as it was, perhaps, owing to some feelings of his own, when President of the Board of Control, which prevented him from interfering in the pension bill, that his hon. friend, the present secretary was left without any remuneration.

The bill was then read a third time.

HOUSE OF LORDS.

Friday, June 18.

PROTEST AGAINST THE IRISH INSURRECTION BILL.] The following protest was entered on their lordships' Journals:

DISSENTIENT—First, because the arbitrary powers conferred by this Bill, however cautiously administered by the government of Ireland have an obvious tendency to shake the respect due to the laws of a free country, and thereby to perpetuate the evils which have so long distracted a large portion of the kingdom of Ireland. The frequent recourse to harsh and unconstitutional expedients teaches the gentry and magistracy of the country to seek for authority as well as security in the suspension, rather than the preservation of law; and it countenances among the people an opinion fatal to all subordination, tranquillity, and happiness, viz. that they enjoy their privileges at the discretion and mercy of those who, by the operation of other laws, are in a great measure possessed of a monopoly of political power. Secondly, because the facility with which Parliament has hitherto granted such unconstitutional powers, has, in our judgment mainly contributed to the postponement of those healing measures, which can alone reconcile the people of Ireland to the connection and union with Great Britain, by extending to the great body of the community, in substance as well as in name, the full benefits of the English constitution. After repeated and unsuccessful experiments of coercive laws in Ireland—after the constant recurrence of alarms, disturbances, and outrages in that

part of the empire; and after the almost annual enactment of penal statutes, abhorrent to the genius of our constitution, and to the humanity of our age and country, we could not reconcile it to our consciences to consent to the renewal of this law, unaccompanied with any measure for the removal of those permanent causes to which the disturbances of Ireland are to be traced.

(Signed) "LEINSTER.

"VASSALL HOLLAND."

EARL MARSHAL'S OFFICE BILL.]

Lord *Holland* rose to call their lordships' attention to a bill which he was about to introduce and which had for its object to enable the Earl Marshal or his deputy to execute that office without the necessity of taking certain oaths at present required by law. In offering such a bill at that period of the session he would briefly explain the reasons which induced him to bring it forward at the present moment. Their lordships were aware, that when a noble relation of his lately introduced a bill for the relief of the Roman Catholics of England, what he now proposed to do formed one of its enactments. The measure proposed by his noble relation had three distinct objects: 1st, to render Roman Catholics capable of executing the duties of justices of the peace; 2nd, to render them capable of serving as officers of the revenue; and 3dly to place any Roman Catholic Earl Marshal in such a situation as would enable him to execute his office. To making Roman Catholics justices of the peace, several noble lords objected on principle; but no objection on the ground of principle was made to the other objects, which were even considered proper. The repeal of the objectionable oaths with regard to revenue officers was confessed to be not only just, but desirable. In fact, a bill for that purpose was introduced by the noble earl opposite, and it had already passed. The object of the bill he now recommended was the same with that, the justice of the principle of which, had been acknowledged. It involved no principle which would lead their lordships' one step further than they had already advanced. He had in favour of his propositions the declarations and professions of many noble lords, most jealous on subjects of this kind. They had all owned that they conceived no danger could arise from carrying this object into effect. Indeed, how could it be supposed that there was more danger to

the church from the stick of the Earl Marshal than from the sword of the army and navy? It being, then, acknowledged that there was no danger in carrying this object into effect, he had reasons which induced him to propose the measure at the present moment. Their lordships were aware, that the noble duke who held the office of Earl Marshal did not stand in the same situation as he did when this subject was formerly before them. The noble duke was aware of the general sentiments of their lordships on the subject of his office and was sensible of the justice that was done him. He had, however by a stroke of Providence, just been deprived of that person who, on account of the ties of blood and affection, he should have wished to exercise the duties of his office. If their lordships were disposed to agree to the bill he proposed, this was precisely the time at which the boon it was intended to confer could be given with the greatest effect and generosity. It was part of the duty of Earl Marshal to attend on the prorogation of parliament; and now when that period was approaching, the country was placed in the situation of having no one to discharge that office. The noble duke, while labouring under affliction, must be called upon to appoint a deputy, and in the urgency of the case would have to transfer to some distant relation or connexion that duty which he would be proud to discharge himself. Upon the whole, therefore, he thought that this was a time at which he need not be discouraged from presenting this bill to their lordships for a first reading.

The bill was read a first time.

MARINE INSURANCE BILL.] On the order of the day for committing this bill,

The *Lord Chancellor* said, their lordships were aware, that in the case of companies chartered by the Crown, should these charters become at any time hurtful, they might be abolished, under a proceeding by *scire facias*; but, if joint-stock companies, incorporated by act of parliament, should become injurious to the public, there was no way of abolishing them, as they were not liable to that process. Now, to make these bills, establishing joint-stock companies, as little injurious, or rather of as much benefit to the public, as possible, it was in his opinion proper that there should be clauses in them which he intended to propose on Monday. Their lordships would, he

thought, to do a great mischief, unless, with respect to these partnerships, some clause was introduced, by which the world should know of whom they consisted. The means of attaining that object would be, that the names should be enrolled and registered in some of his majesty's courts, to which the public might at all times refer. And further, the parties should not be obliged to sue the whole of the partnership, but have a power to sue any two of the partners, and execution to be taken as if all the partners were parties to the cause. Another clause necessary to be inserted was, that persons should remain liable till they had given a notification to the world, by a new memorial and enrolment; and the clause should be so worded, that if the new members of the partnership were not responsible persons, then the old members should remain liable for all contracts made during their being of the partnership. The remedy to be, that all transfers should be null and void until so memorialled, and enrolled. To give time for the consideration of what he had thrown out, he should not move the clauses till Monday. If their lordships should agree to pass this bill as it stood at present, in justice to the companies, who ought to be apprized of his intention, he gave notice, that if he were alive at the next meeting of parliament, one of the first measures which he would introduce, would be a general act for effecting all the views which he had of the subject.

The Earl of *Liverpool* entirely agreed with his noble and learned friend, but thought the clauses which he intended to propose would more properly come under their lordships' discussion as a general measure; and he could see no possible reason, in the case of all companies created by acts of parliament, why they should not be voided by the same process which was applicable to charters. A provision of that kind, he thought, would be just and proper.

Lord *Redesdale* wished the learned lord had proposed his clauses now, as he apprehended there would be less difficulty in the way of their becoming part of the law of the land by being attached to this bill, than if they formed a separate measure.

The Lord Chancellor said, he certainly should move the clauses; but not now, as it would be taking the House by surprise.

The bill then went through the committee.

HOUSE OF COMMONS.

Friday, June 18.

ABUSES IN THE ISLE OF MAN—PETITION OF HOUSE OF KEYS.] Mr. *Brougham* presented a petition from the Speaker, and several of the members of the House of Keys, in the Isle of Man, which, he observed, was deserving of the serious attention of the House, both from the nature of the subject, and the respectability of the individuals by whom it was signed. The Speaker was colonel Wilkes, a gentleman well known for his conduct in India, and the able works he had published respecting that quarter of the world; the second name was that of the hon. member for Cumberland; the third was a general officer; and so on. By the constitution of the island the members of the House of Keys were virtually the representatives of the people of the island, as much as the hon. gentlemen who surrounded him were the representatives of the people of this country. These were the parties, who, in the petition which he held in his hand, preferred their complaints to the House. They complained, first, of several institutions which had been improperly introduced into the island; and secondly, of the conduct of the governor under those institutions. Their first complaint was, that the members of the House of Keys were not allowed to form a part of the criminal court of Tynwald; a privilege to which they contended that they were fully entitled; and from the opportunities which he had had of investigating the subject, it appeared to him that their claim was well founded. Since the petition had been signed, however, an occurrence had taken place, which would, perhaps, give an opportunity of settling the question. Three persons had been tried in the island for felony; one of whom had been sentenced to death, and the two others to transportation. From these sentences, in consequence of what they conceived to be the defective constitution of the court, the prisoners had appealed to the king in council. But, even if it should be decided against them, high as that authority was, it would not preclude the House of Keys from still asserting what they conceived their right. The other ground of complaint urged by the petitioners was the general conduct of the governor of the island. That governor was the duke of Athol; and certainly, in consequence of a variety of considerations, his grace

was as unfit a person as could be selected for the situation of governor of the Isle of Man. The circumstances under which the duke of Athol had resigned his paramount rights in the Isle of Man to the Crown in 1765 were well known. Since that period, however, the duke had been constantly prosecuting claims of every description in the island. Previously to the year 1805, he had made no less than five applications to parliament, with reference to what he conceived to be his rights in the Isle of Man; all of which had proved unsuccessful. In 1805, however, parliament consented to re-open the bargain which the duke had made with the Crown. In addition to the 70,000*l.* and the 2,000*l.* a year which had been originally contracted for, an addition of three or four thousand pounds a year was made. As if to shew the impolicy of disturbing bargains of such a nature, the duke had been ever since bringing forward greater claims, and making new encroachments. By his demands of territorial rights, of seigniorial rights, or of paramount rights, he had been constantly disturbing the quiet of the island. Such were the circumstances which rendered the duke a very unfit person for the situation of governor. As such, he was the chief judge in the court of Chancery, the sole judge in the court of the Exchequer, and had the patronage of the two courts of common law; namely, the appointment of the two deemsters and the attorney-general. The tithes of the island were divided into three parts; of which the duke had one, the bishop (appointed by the duke) another, and the clergy generally the remainder. The way in which the tithes were divided was in successive years—to the duke, to the bishop, and to the clergy. Of course the duke did not settle the modus for the tithes of his own year; but as he determined it for the two other years, the probability was, that the modus of his own year would be fixed at the same rate. Another complaint made by the petitioners referred to the appointment to judicial offices. They stated that, by law, the deemsters were irremovable; but that the duke had been known to call before him one of those judges, and to institute a private inquiry into a complaint made against him. The complaint was of the conduct of the judge on a trial in which the defendant was a servant of the duke's. The duke reprimanded the deemster, reminded him

that the defendant was in his employ, upbraided him for issuing a process of the court, which the deemster was bound to issue; and asked him how he could pursue such conduct to his (the duke's) servant, when he, the deemster, had received so many benefits from him, the duke? His grace called upon the deemster to justify himself, which he did most satisfactorily; but, nevertheless, he was removed from his office. The acting attorney-general on the occasion was also rebuked, and removed. The individual who defended the accused party in the cause (who, by the by, was acquitted), soon after obtained a high ecclesiastical situation, and the foreman of the jury, an Irishman, was made clerk of the court. The last complaint of the petitioners was so serious, that he should really hesitate to believe it, if he were not certain that the petitioners would not state what was not true. In 1821, there was a serious riot in the island. At the subsequent trial of one of the rioters, he, the rioter, knocked down a witness, attacked the high-bailiff, and afterwards the deemster himself. For this offence he was tried, and sentenced to be fined 50*l.*, and imprisoned for two months. When this sentence was transmitted to the governor, his grace endorsed it with the words, "I hereby suspend the execution of this sentence;" and afterwards said to the culprit, "I pardon you; go about your business." This dictum of his grace was uttered in the court of Chancery, to which he had summoned the prisoner; although that court had no jurisdiction whatever in a criminal case. The Keys prayed the House to investigate the facts, to settle the rights of the contending parties, and to inquire, at the same time, to what extent the report of the commissioners of 1791 had been carried into effect.

Mr. Secretary *Peel* said, he felt that many of the charges were, in fact, against himself, and not against the duke of Athol, and he rose with a confident expectation that he should be able to satisfy the House of his innocence. One accusation was, that the House of Keys had been deprived of their right of forming part of the criminal jurisprudence of the Isle of Man, and it was insinuated that he (Mr. *Peel*) had so excluded them, because they had displeased the governor. The question of their right to sit in the criminal court, and thus to control the jury, was disputed in 1823; and he had required

to be furnished with all the papers on the subject: the duke of Athol sent them, accompanied by the opinion of Mr. Clark, the attorney-general of the island, that the House of Keys had no claim so to sit without summons. The point was referred to the attorney and solicitor-general, and they had twice confirmed the opinion of Mr. Clark. On the 30th April last, he had therefore written to the lieutenant-governor, stating, that if the Keys were not summoned, the secretary of state was only anxious that the question should be brought, in consequence, before a competent tribunal—the privy council. No appeal had been yet made, but a petition, on the contrary, had been presented to the House of Commons. Three prisoners had been convicted in the Isle of Man, one of them capitally, and notice was given him that he might appeal. The prisoner replied, that he could not afford the expense; to which he (Mr. Peel) had answered, that as a great public question was involved, the government ought to bear the charge. The right hon. gentleman contended further, that the duke of Athol had expended far more than the revenue he derived from it, upon the internal improvement of the Isle of Man, and he had never heard of any accusation against his grace, of having abused the powers of his office for the sake of doing injustice. He could not deny that there had been unfortunate bickerings and disputes between the duke of Athol and the House of Keys, and his (Mr. P.'s) great object throughout had been, to accommodate differences, and to induce the parties to bury in oblivion past animosities. So lately as the 5th July last, the House of Keys had felt much exasperated against the duke of Athol, for certain language used by the latter; but after a meeting between them, a resolution for reconciliation had been agreed upon. Since that date there had been no real ground for complaint; but the House of Keys had taken up a most mistaken notion, that his grace had been instrumental in depriving them of their supposed right to sit in the criminal court. He was sorry to be under the necessity of stating his reasons for advising the Crown to suspend Mr. Vaughan from his office of judge. A Mr. Fell had written to him, mentioning that a female servant, whom he had brought from Liverpool, had formed a criminal connexion with the judge, which induced the latter to give her counsel and advice

in a suit she had commenced against her master. Mr. Fell also accused the judge of other mal-practices, in reference to an action brought for defamation against Mr. Fell arising out of these transactions. After various inquiries into the character of Mr. Fell, he (Mr. Peel) had referred the matter to the attorney-general of the island, and the fullest investigation having taken place, it was found that the proofs of misconduct against the judge were so strong, that he could not avoid dismissing him from his office. It was true that the council for inquiry was held at the house of the governor, but that was not out of the usual course. Upon his honour as a gentleman, he (Mr. Peel) declared, that in removing the judge, he had never for a moment considered whether that individual was or was not offensive to the duke of Athol. He justified the duke's conduct in other particulars, with the exception of some little excess in the language which he had used in one or two of the instances which had been given.

Mr. *Bright* thought, that much of the grievance stated in the petition might be referred to the bickering and heat which prevailed in the island. But certainly the Keys should have been informed, not only of the reasons for the dismissal of their judge, but also on what grounds their right of forming a part of the criminal jurisprudence had been suspended. That it had been their right, was declared in the report of the commission of 1791; and the book of law, which was then for the first time reduced from oral and uncertain precepts, issuing chiefly from the deemsters and the officers of the council, to a written and ascertained form, stated, that this right was of the very highest antiquity in the tradition of that law. He could not help feeling that government had proceeded too hastily in withdrawing that right, before the question had been solemnly argued in the presence of the privy council.

Mr. *Hume* suggested the propriety of an inquiry being instituted into the fact, whether the interests of the duke of Athol were not, in some instances, incompatible with his duty as a governor. From the sentiments expressed by the right hon. gentleman, he was sure he would not advocate the continuance of such a state of things, if it were once found that this was actually the case.

The *Attorney-General* said, the privy-council was the proper tribunal to which

petitions ought to be addressed on such subjects. He also alluded to the three points of law mentioned in the joint opinion given by himself and the late attorney-general, which, he said, remained unchanged, and upon which the secretary of state had acted.

Mr. *Brougham* in reply, contended, that the court of Keys had a right to sit on criminal cases without being summoned. He had heard that night, for the first time, of Mr. *Vaughan's* conduct, and could therefore say nothing to it. He felt it, however, to be his duty to bear testimony to the character of Mr. *Robert Cunningham*, than whom a more honourable young man was not to be found in the Isle of Man. It was true that this young man had, in a moment of intoxication, committed an act of imprudence; but it was no less true that, since that period, he had been elected one of the Keys, with the approbation of the duke of Athol. He was received into the houses of the most respectable persons in the island, and was universally treated in such a manner as showed that his offence was forgotten, and that his reputation was unimpaired. The only method of allaying the dissensions which existed in the Isle of Man would be by altering the form of the government, and by taking out of the hands of one individual the power which he held, and which his interests must occasionally prevent him from exercising for the purpose of its institution.

Mr. *Peel* admitted the perfect respectability of Mr. *Cunningham*, and that the offence which had been alleged against him was an exception to his general conduct.

Ordered to lie on the table. On the motion that it be printed, Mr. *Brougham* expressed a hope that, during the summer his majesty's ministers would make an inquiry into the administration of justice in the Isle of Man, and take such measures as might seem expedient.

IRISH INSURRECTION BILL.] On the order of the day for the third reading,

Mr. *Hobhouse* said, that if this bill had come to them as an ordinary measure of government, he should have spoken with greater confidence; but seeing that it came from a committee, composed of nearly as large a proportion of independent as of ministerial members, he certainly felt some difficulties in standing up against it. But, even in the fact of such a committee being resorted to, he thought there

was something to be objected to. For when so much as four millions a year was paid out of the pockets of the people of England, on account of the mal-governments of Ireland, he thought the ministers themselves should take the responsibility of proposing the measures they thought necessary, leaving to parliament its proper office, not of originating, but of examining and investigating. The experience of the fact was strong against the Insurrection act. It had been tried, and had been found worse than useless. It had left the people of Ireland more irritated and discontented than it found them; yet, after the parade of appointing a committee, this was the gift that had been presented by it. The committee, in their report, stated, that the short time they had been appointed had not allowed them to investigate the causes of the disturbances that prevailed in a great part of Ireland. It was true, the time they had for investigating so fruitful a subject was short; but the evils in question were not new, the disturbances were not recent; and if they had not been long ago fully inquired into, the ministers and parliament were chargeable with neglect. It was ridiculous to suppose that the committee could act as a stop-gap of the evils of Ireland. He never would be a party to any compromise, though he knew the government would be too happy to make a cat's paw of the members, as they had before done. He could not conceive what could be the opinions of those gentlemen who had supported the continuance of the Insurrection act. The hon. member for Limerick had said the other night, that the result would soon be, that the act would not be required at all. Now, he (Mr. H.) thought that time had arrived; for it was clear that it produced no good whatever, but created evil to a great extent. Ministers wanted the committee, because they wanted the Insurrection act. From statements which had been made, the Irish people, instead of being the most generous, must be the most ferocious people on the earth; for they were represented as attached to nothing but turbulence and bloodshed. Now, if that were true, it must have arisen from some cause; and, from what more probable cause, than from the mis-government under which they had so long lived, and of which the Insurrection act formed so dreadful a part? There could be no doubt that, if behind every citizen of Ireland there was placed a sol-

dier with a sword, or an executioner with a rope, the country would be tranquil; but that would not be government. Something of this kind had been actually recommended in a Dublin newspaper, which received the patronage of certain clerical persons. In that paper he had seen it recommended, in no very equivocal terms, that the people in the South of Ireland should be extirpated. It was necessary for the House to know the manner in which the Insurrection act had operated. From returns it appeared, that under the act, 1707 persons had been apprehended; of these 271 were convicted, and 78 were punished; so that no fewer than 1,437 innocent men had been placed in confinement, in order to bring home conviction to 271. The hon. member then censured the extraordinary powers conferred upon the Irish magistrates by the act. An instance had occurred of a man being sent to prison for two months, for having been found out after sunset, although it was proved that he had been doing nothing but playing at cards. The hon. member then proceeded to point out the absurdity of complaints against the Catholic association, by men who favoured such associations as those of the Orangemen. If there was any danger, it must be from the Orange societies, which were held in secret, and not from the Catholic association, whose proceedings were carried on in the face of the public. It had been said, that Orange societies had been checked. He could see no proof of it. He found that they still continued to hold their meetings—that warrants were issued from the grand officers, authorising individuals to hold lodges; and the only difference he saw between the new warrants and those heretofore issued was, that the one was on parchment, and the other on common paper. He held two warrants of the new and old system in his hand. The new one had, like the old, the picture of king William on horseback, and it purported to be the appointment of a particular individual to hold a lodge. It was signed “O’Neil grand master” “A. B. King, grand treasurer” and “James Vernon, grand secretary.” The hon. member, after stating his opinion, that, while there was a divided cabinet on the subject of Irish affairs, nothing would be done, and nothing was intended to be done, for that country, concluded by moving, that the bill be read a third time that day six months.

Mr. Calcraft concurred with his hon. friend in thinking this bill odious and unconstitutional, and that it would be a blot and disgrace to our Statute-book, if it remained on it a moment longer than the situation of Ireland required it; but still he would support the measure, because in his conscience he believed, that, from the present temper of the people of Ireland, it would not be safe to let it remain without such an act. He would ask any man, whether he thought that Ireland could at present be left to the ordinary administration of the law; and if not, what measure could be more effectually applied to it than the one then before the House? This was a fair issue to rest the question upon; and he thought it would be most unwise to leave the country, in its present state, without some such protection; and this was the short history of his support of the measure.

General Hart said, there was a very simple measure by which Ireland might be restored to tranquillity. It was merely, to surround the towns and large villages of that country with walls. He did not mean such walls as those of a regularly fortified place; but walls not much higher than our common park walls in this country. Let them be flanked with a few towers, with two or three guns on each, and by this means such protection would be afforded to the wives and children of the loyal and well-disposed inhabitants of the country, that they would have no hesitation in opposing themselves to the disaffected. Then government would know the strength of those who were disposed to support it, which was much greater than was imagined; but at present they were afraid to act, not having a sufficient protection for their families.

Sir F. Blake said, he did not put so much trust in stone walls for the pacification of Ireland as the gallant general. He thought there was a much better remedy. He would advise—and he put the matter seriously to the liberal part of his majesty’s ministers—that they should make the relief of the people of Ireland the sine qua non of their keeping office. If they did this, Ireland would soon be relieved, and her grievances redressed. He would advise them to press the question of Catholic emancipation session after session, and parliament after parliament, until they carried it by a triumphant majority; and as he could judge from the general tenour of his majesty’s conduct, that he did not

possess any scruples of conscience [a laugh], he was sure his majesty would not oppose himself to a measure so fraught with benefits to a large portion of his people, on the grounds on which it had been opposed by his predecessor. On the subject of Catholic emancipation, he looked upon the accession to the ministry of the right hon. secretary for foreign affairs as a great advantage. Nobody doubted his liberality, and nobody could doubt the good tendency of such liberal feeling on this question to the general pacification of Ireland: but nobody, also, doubted the sincerity of the opposition to that measure by the right hon. secretary for the home department. He was sincere, but still he was a dangerous opponent: because he so tempered his opposition, that men were often disposed to think him favourable to that cause which he seemed reluctantly to oppose. He was sometimes so moderate and temperate, that he was disposed to apply to him the words of the poet—"Cum talis sis utinam noster esses."

The House then divided; For the amendment 14. Against it 52. Majority 38. The bill was then read a third time.

List of the Minority.

Bennet, J.	Scarlett, J.
Bright, H.	Smith, W.
Brougham, H.	Stewart, W. (Tyrone.)
Burdett, sir F.	Williams, J.
Denman, T.	Wood, ald.
Ellice, E.	
Grattan, J.	TELLERS.
Mostyn, sir T.	Hobhouse, J. C.
Palmer, C.	Hume, J.

Mr. Denman proposed the following clause as a rider to the bill:—"That all offences under the Insurrection act should be tried by a jury." Mr. Goulburn opposed, and Mr. S. Rice supported it. It was negatived without a division; as was also another clause by way of rider, proposed by Mr. S. Rice, giving to the prisoners the liberty of postponing their trials.

Mr. Denman called the attention of the house to the clause whereby any subject of his majesty, not being a traveller or a resident, found in a licensed public-house between the hours of 9 o'clock in the evening and 6 in the morning, was rendered liable to transportation for seven years. The sting of this clause was, that the words "without lawful excuse" which were inserted in other parts of the bill,

were omitted in this. If a man were found absent from his habitation at night, he was absolved from the penalties of this bill, supposing he could show lawful excuse. If he were found drunk in the streets during the prohibited hours, his intoxication was held to be a lawful excuse; but in case he was found sober in a licensed public-house between 9 and 10 o'clock, no matter what cause called him there, he was liable to be separated from his family for seven years. As it appeared from the evidence taken before the committee, that this clause had never been acted on by any magistrate, he begged leave to bring up a clause to repeal such part of this act, as rendered a man liable to transportation, who was found in a licensed public-house after the hours he had mentioned.

The motion was negatived.

Mr. Denman referred to the 25th clause of the act, whereby it was enacted, that in case any person brought an action against a magistrate or constable for the malicious abuse of the powers of this act, and a jury awarded him damages proportioned to their sense of the injury inflicted, it should be lawful, on the Judge certifying on the record, that the party against whom the action was brought had probable cause for what he had done, to reduce the damages to 6d. and to give no costs of suit. Now, he wished to repeal this clause, and to compel the party to pay the damages awarded by the jury. It was not right that a judge should have the power of thus altering the verdict of a jury.

Mr. Goulburn contended, that the learned member had given the House an incorrect view of this part of the act, by reading only one half of the clause. He ought to have read the other half, by which it was enacted, that, in case the judge did not certify on the record, that the magistrate had probable cause, the plaintiff obtained not only the damages awarded him by the jury, but also treble costs.

The clause was rejected, and the bill passed.

JURIES EMPANELLING BILL.] Mr. Secretary Peel brought in a bill for the better Empanelling of Juries. The right hon. gentleman observed, that at that late period of the session it was not his intention to press the measure forward, as it was undoubtedly one of very great importance. Its object was, to consolidate

and amend the various laws which related to the empanelling of juries. And here he wished to state, in justice to the parties concerned, that those highly respectable persons Mr. Le Blanc and Mr. Lushington, had shown the most praiseworthy anxiety to co-operate with him in an efficient alteration of the law. By the bill which he now introduced, it was provided, that the name of each and every person qualified to act as a special juror should be written on a piece of card, and placed in a box, from which 48 names should be drawn, in the same indifferent manner as was observed in that House when an election committee was ballotted for. The whole forty-eight having been drawn by lots, it would remain to reduce them to the proper number in the ordinary manner. This, as it appeared to him, would remove every objection that at present existed against the mode of empanelling special juries.

Mr. Scarlett felt great obligations to the right hon. gentleman for having introduced this very useful bill. But, whatever complaint might have been made with respect to the mode of striking special juries, he would say, that a man of greater integrity or ability than the master of the Crown office did not exist.

Leave was given to bring in the bill.

HOUSE OF LORDS.

Saturday, June 19,

EARL MARSHAL'S OFFICE BILL.] Lord Holland moved the second reading of this bill.

The Lord Chancellor thought, that as this bill had come upon the House by surprise, it ought to be postponed to next session.

Lord Ellenborough had not the slightest idea that there could be an objection to the principle of the bill. During the late discussion, the general impression of the House was certainly in favour of the measure.

Lord Holland reminded their lordships, that the principle of the measure had, in the late debate, been completely acceded to. There had been some doubts as to the form in which it should be carried into effect, but none as to passing an act in substance the same as that before the House. He had introduced the bill, because it was his opinion that the majority of the House wished to grant the boon it would confer; that this was the

time when the grant would be felt to be most gracious by him who was to receive it; and that the proposed manner of giving it would be the least objectionable to those noble lords who were disposed to view measures of this kind with jealousy.

The House divided: Contents 24: Not Contents 10. The bill was read a second time.

HOUSE OF LORDS.

Monday, June 21.

MARINE INSURANCE BILL.] On the order of the day for the third reading of this bill,

The Lord Chancellor proposed the clauses, of which he gave notice on Friday, viz.

1 "Provided always, and be it enacted, that it shall not be lawful for any society or partnership, composed of more than six persons, from and after the passing of this act, to contract or agree for the insurance of any ship, or goods, or of any interest therein, until a memorial shall be enrolled on oath in the high Court of Chancery, containing the names and descriptions of the several members of such society or partnership; and that when a transfer is made of any share or shares of any member or members of and in the capital or stock of such partnership or society, a memorial thereof shall be enrolled in like manner within three months after such transfer, containing the names and description of the original member or members, and of the person to whom the shares or interest are transferred; or otherwise such transfer shall be null and void, and of no effect.

"2. Provided always, and be it also enacted, that any person or persons, a member or members of such partnership or society, whose name or names shall be expressed in any such enrolment as aforesaid, shall be, and shall continue liable in law and equity to all actions, suits, judgments, and executions for the performance of any contract, claim, or demand, made or arising whilst such person or persons was or were, members of such partnership or society as aforesaid, until a memorial or memorials of the transfer of the share or shares of such member or members shall have been enrolled in the high court of Chancery as aforesaid, and execution on any judgments or decree in any such action or suit obtained against any such member or members may be issued and

carried into effect against any person or persons who was or were a member or members thereof, at the time the contract, claim, or demand was made, or arose, in respect of which such action or suit was brought, or against any member or members for the time being, of such partnership or society, any law or usage to the contrary notwithstanding.

"3. And whereas great difficulties may attend the effectually enforcing of just demands against such partnerships or societies as may be formed under the authority of this act, where the number of the members of such partnerships or societies is considerable; be it therefore enacted, that in all cases in which the number of members shall exceed and in which there shall be occasion to sue the persons forming such partnerships or societies, the plaintiff, in any action or suit in equity, shall not be obliged to make, as parties, defendants to any such action or suit, more than two persons whose names are so enrolled as aforesaid, and such two persons shall be deemed and taken in all courts of justice to represent the whole of the members of such partnership or society, for the purpose of carrying on effectually any such action or suit to a judgment or decree; and in case judgment or decree shall be obtained in such action or suit against any two persons, members of such partnership or society, it shall be competent for the person so obtaining judgment, to issue execution thereon, or to enforce the decree against all and each of the members of such partnership or society, in the same manner, and as fully and effectually, as if such members had been, together with the two other members, defendants in such action or suit.

"4. Provided always, and be it also enacted, that when any such partnership or society as aforesaid shall consist of more than six members, it shall be lawful for them to sue in law and equity by the secretary or any member thereof, on behalf of the partnership or society; and such suit shall be as effectual to all intents and purposes for the benefit of such partnership or society, as if the suit were carried on in the names of all the parties thereof: and the several members thereof shall, as well as such secretary or member in whose name such suit may be brought, be responsible to the defendant or defendants in such suit for costs, and in all other respects as if they had all been parties to such suit."

His lordship declared, that his first wish was, that these clauses should now be agreed to. If the sense of the House was against him he did not mean to press it; but he desired it might be distinctly understood, that he would, next session, bring forward a general measure to put all companies under the restrictions which these clauses imposed.

The Earl of *Liverpool* said, that this was a bill to do away with the monopoly of two insurance companies, and unless there was any point of good faith or strong motive of policy, he did not see any objection to the measure. The House had heard counsel on the part of the companies, and had determined, that there was no such ground, and that it would be right to leave the law as to insurances as it stood under the common law before these charters were granted. When their lordships should have passed this act, the law would be as it was before any monopoly existed; if, therefore, his noble and learned friend thought proper to bring in such a general law as he had mentioned, he could see no objection to the proposed enactments, but he did object to their being attached to a bill which did not go to grant any new monopoly, but to do away with a monopoly which already existed. He did not think there would be time to discuss the clauses at this advanced period of the session; he hoped, therefore, that his noble and learned friend would bring them forward in the shape of a separate measure in the next session.

Lord *Redesdale* contended, that the provisions of this bill, did, in effect, make a new law. He was convinced of the necessity of the clauses, and firmly believed, that if they were not attached to the bill, they never would be passed until the mischievous effects resulting from the want of such restrictions should be severely felt.

Lord *Bexley* contended, that no inconvenience could arise from postponing the clauses to another session. He supported the bill, and said, that peace, when premiums were not high, was the proper time for throwing open Marine insurances.

The Lord Chancellor said, that if it were intended to establish any gigantic insurance company, the advice that a lawyer would have given to the parties would have been this—"Get these chartered companies demolished first, and then during the recess of parliament, you may establish your company under what regu-

lations you please: if you want to form an Atlas company, give me this little bill, and I will move the whole world." If, therefore, during the recess, any combinations of persons should arise to defeat the objects he had in view, he hoped to have the assistance of parliament to pass some measure; and if the parliament did its duty, they would be able, in spite of the whole of the monied men of the country, to do what was proper under the circumstances. He hoped he should be able to satisfy their lordships, as he was sure the public were satisfied, that without some restrictions such companies would be the most ruinous nuisance ever known. He should now merely move, that the clauses be read *pro forma*.

The clauses were accordingly read and withdrawn, and the bill passed.

HOUSE OF COMMONS.

Monday, June 21.

SUPERANNUATION FUND.] Mr. *Ma-berly* moved for a return of the amount of the salaries of public officers who were subject to a deduction of 10 per cent by an order of council made in February, 1822. He thought that as the 5 per cent deduction made by the Superannuation act had been withdrawn, so ought the 10 per cent under the order in council.

Sir *Joseph Yorke* thought that, to use the peculiar phrase of a lamented marquis, the House were "turning their backs upon themselves," when they repealed the Superannuation act. As to any saving to secure the payment of the national debt, it was just as rational to attempt to bottle off the Atlantic Ocean. Then, as to the payment of public officers, what scale ought they to have? If upon comparative merits, and for real services, his right hon. friend, the secretary for foreign affairs ought to be paid double any of the rest.

Mr. *S. Wortley* justified the repeal of the Superannuation act, and hoped that his majesty would also withdraw the order in council. The two measures were strictly opposed to the principles of justice, and never would have passed but for the general alarm that prevailed in consequence of the necessities of the times.

Mr. *F. Buxton* thought the restoration of the deductions a measure which justice commanded. He considered the high officers of state as greatly underpaid: and

that such a system, in a great country, was the worst species of economy.

Mr. *Calcraft* could not look at the salaries of ministers as a question of money. Men of no fortune, of middling fortune, and of large fortunes, were all equally anxious to fill these offices. Why, then, talk of stimulating their exertions by further pecuniary remuneration? The Crown had given up its thousands, and marquis Camden had done one of the most liberal acts ever recorded, by sacrificing 8,000*l.* a-year for the relief of the people [hear]. Why, then, should not those gentlemen contribute their quota? Why should they, when taxes to the amount of 50 or 60 millions were annually raised give up this source of revenue? It ought not to be abandoned, until the people were really relieved; and no man could assert that the people had been effectually relieved from taxation. Nothing would give such elasticity to the enterprising spirit of the country, as an extensive relief from taxation. For his part, he would not give up a single penny of this charge to the individuals who were the object of his hon. friend's observations; especially as a Superannuation fund was provided for them, at the expense of the state.

Mr. *Ellice* could not conceive on what rational ground any opposition could be made to the resumption of that which had been so liberally conceded in a moment of great public difficulty. He could not conceive what great additional burthen could be inflicted on the people by taking off the heavy and exclusive taxation on great public officers, and thereby enabling persons of talents and endowments to fill those high official situations, the adequate occupation of which was of so much importance to the country. For one, whenever the subject came under the consideration of the House, although by no means disposed to augment the burthens of the people, he should certainly feel it his duty to support it.

Mr. *Grenfell* said, that, whenever the subject came before the House, he should express his decided conviction of the propriety of reinstating the great public officers in their whole salaries.

Mr. *W. Smith* expressed himself in favour of the opinion laid down by the hon. member for Wareham, that great offices of state were not sought after merely on account of emolument, but for a thousand reasons. He did most firmly believe, that

the great object which induced men to seek those offices, whether the individuals were, on the one side or the other of politics, was, to serve their country in those high and dignified situations. But, was the patronage of those offices nothing? Was the consideration in which those individuals were held all over Europe of no importance? Would not those circumstances alone induce men to fill high offices, even if the salaries were very moderate? He begged leave to illustrate his position by relating an anecdote. When Le Kain retired from the stage, a number of friends crowded around him, congratulated him on the fortune he had made, and observed, that whatever his emoluments had been, they were by no means too great. An old knight, who happened to be present, expressed great indignation at the munificent manner in which the players were remunerated. He asked, whether it was not a shame that, while he who had served his king and country, received only a small pension, and the order which hung at his button-hole, persons who were reputed in France to be unworthy of Christian burial were liberally rewarded. Le Kain immediately retorted, "And pray, Sir, do you reckon as nothing the right to treat me thus?" It was, in fact, the honour attached to a situation, and not the money which it produced, that led high-minded men to accept of office.

The motion was agreed to.

RECOGNITION OF THE INDEPENDENCE OF SOUTH AMERICA.—PETITION FROM MANCHESTER.] Sir *James Mackintosh* said, he rose to present a petition from the President, Vice-President, and members of the Chamber of Commerce of Manchester, praying that House immediately to acknowledge the Independence of the states of South America. Although he had taken up so much of the time of the House, on a former evening, when he presented a similar petition, yet he felt it necessary to make a few observations on the present occasion. The Chamber of Commerce and Manufactures of the town of Manchester was, as its name imported, strictly a commercial association; and was, by one of its by-laws, precluded from political discussion. The petition to which that intelligent body had agreed, was voted at a very numerous and respectable meeting. It would have been most numerously signed, if the petitioners had not expected a speedy termination of the ses-

sion; and, indeed, he was convinced, that petitions from the various manufacturing towns of Great Britain would have crowded their table, if it had not been for the same feeling. This petition stated, that an early and formal acknowledgment, by his majesty, of the freedom and independence of South America, appeared to the petitioners to be demanded by the true interests of Great Britain, and to be due to the character of those states. It was impolitic and unwise longer to withhold from them those dignities and distinctions which were allowed to civilized states; and it was a strange anomaly to witness, in our courts of law, the solemn denial of the political existence of those states, at the very moment when we were seeking, or rather opening and cultivating, their friendship, and making unremitting endeavours to strengthen and consolidate the commercial connexion which subsisted between us. Such conduct appeared to the petitioners unworthy of the dignity of a great and powerful state, and manifestly injurious to the national industry. On that subject he would say but a few words; but he could not help calling the attention of the House to the condition in which the petitioners approached them. They found, in the dispatch of the 31st of January last, that the government of this country stated to all Europe, that the recognition of the South American states could not be long delayed. It was five months since that solemn declaration was made to Spain and to all Europe; and from what had afterwards taken place, it appeared that the independence of South America was not to be effected in any, even the slightest degree, by the wishes, views, or feelings of any European power. This was the state in which he considered the matter to stand at present. The government were pledged, that the recognition should not long be delayed, and that the conduct of no European power should affect the independence of those states. Under these circumstances, he had thought it his duty to show to the House on a former occasion, how very little remained to be done—how little that had to do with the duties of neutrality, or with the principles of international law—and how much they were bound, both with reference to the tranquillity of South America and the prosperity of the commerce of England—how decidedly they were called on by every principle of justice and of policy, to concede this recognition of in-

dependence. Having already showed this, he would fain call the attention of his majesty's government to the great agitation and anxiety which now prevailed in the commercial world, and which could only be removed by taking this decisive step. Until the independence of those states was acknowledged, the mercantile and manufacturing interests could not know whether the great market of Spanish America was to be opened to them, or whether the keys of it were to be placed in the hands of the Holy Alliance? Whether that immense market was to be thrown open to the whole civilized world, or in an especial degree to be thrown open to this country, an event which must produce the most beneficial results for the commerce of Great Britain? The people of this country expected, and justly expected, that, when great commercial advantages were offered to them, every assistance should be given by the appointment of diplomatic agents. The commerce of South America had been protected by natives of Great Britain. He knew that he was here touching on a topic of great delicacy; but he must say, that that commerce had been gallantly protected by that extraordinary man, who was once a British officer—who once filled a distinguished post in the British navy, at the brightest period of its annals. He mentioned this circumstance with struggling and mingled emotions—emotions of pride, that the individual he spoke of was a Briton—emotions of regret, that he was no longer a British officer [hear]. Could any person imagine a more gallant action than the cutting out of the *Esmeralda* from Callao? Never was there a greater display of judgment, calmness, and enterprising British valour, than was shown on that memorable occasion [hear]. No man ever felt a more ardent—a more inextinguishable love of country—a more anxious desire to promote its interests and extend its prosperity, than the gallant individual to whom he alluded. He spoke for himself: no person was responsible for the opinions which he now uttered: but, he would ask, what native of this country could help wishing that such a man were again amongst us? [hear.] He hoped he should be excused for saying thus much; but he could not avoid fervently wishing that such advice might be given to the Crown, by his majesty's constitutional advisers, as would induce his majesty graciously to restore lord Cochrane

to that country which he so warmly loved, and to that noble service, to the glory of which, he was convinced, he willingly would sacrifice every earthly consideration [loud cheers from both sides of the House].

Mr. *W. Smith* said, that great advantages might be derived from an early recognition of South American independence, which perhaps might not be realized if the boon were tardily granted. So long as Spain refused to recognize the independence of those extensive provinces, so long was it important that they should be speedily apprized of those who did recognize their independence. If Spain thought fit to recognize the South American states, there would be no favour in England pursuing the same course: but, if Great Britain led the way, such a friendly act might produce the most beneficial effects upon our commerce.

Ordered to lie on the table.

HOUSE OF LORDS.

Wednesday, June 23.

[DUBLIN EQUITABLE LOAN BILL.]
The Duke of Leinster moved the third reading of this bill.

The Earl of *Lauderdale* said, it was for their lordships to consider whether it would be proper to amend this bill, or to postpone it to another session. He was for the latter alternative; but, he thought it fair to acknowledge, that the parties had made more concessions than any of the other companies.

The *Lord Chancellor* agreed in the propriety of postponing this bill to another session; but was of opinion, that in no session ought such a bill to pass without much and considerable amendments.

The Earl of *Lauderdale* was glad to understand that the learned lord intended to introduce a bill, and that one of its objects was, the preventing the sale of the actions of such companies until an act of parliament for forming them had passed. If their lordships had all attended as closely as he had done to the committees on these bills, they would have no doubts as to the manner in which these companies were got up. The noble lord then referred to the examination of a witness, in which it came out, that he was invited to a meeting, at which every one who attended was made a director, a secretary, or appointed to some office.

The *Lord Chancellor* said, he had in-

tended to bring in the bill this session, but he had felt some difficulty on the subject, which induced him to delay it until the next. In the mean time, he doubted whether the transactions referred to were not altogether illegal.

The question was negatived; and the bill consequently lost.

HOUSE OF LORDS,

Thursday, June 24.

RECOGNITION OF THE INDEPENDENCE OF SOUTH AMERICA.] The Marquis of Lansdown, before the order of the day was gone into, would take the opportunity of this last sitting of the House, to ask some information from the noble earl opposite on a very important object. Having, early in the present session, called their lordships' attention to the situation in which this country stood with respect to South America, and having heard the declaration made by his majesty's ministers on that subject, he had reason to expect, that that declaration would, before now have been followed up by some public measure. But, after that declaration, four months had elapsed without any step having been taken towards the establishment of those relations with the states of South America which it was the general wish of parliament and the country to see formed. In the motion he had then made he did not rely on any other principles than those which were maintained on the question by his majesty's ministers; it was to be expected, that, in consistency with those principles, and with the declaration which ministers had made in January last, that no long time would have elapsed without a recognition of the independence of some of the states of South America. An opening had been left for Spain to take the priority in the recognition; but if Spain did not avail herself of that opening, it was understood that this country was relieved from the necessity of any longer delaying the taking of that step herself. It was a course which ought, above all, to be adopted, in consistency with those principles which in this country ought to make it desirable to establish intimate relations with those states which enjoy a system of liberty in every part of the world. Such had heretofore been the conduct of the government of this country with respect to the free states of Europe, and he thought it ought to be extended to America. He therefore now called

on the noble earl opposite to explain what were the intentions of his majesty's government on this important matter. After all that had been said and done on the subject, it perhaps, might be advanced that the recognition of the independence of South America was but a form: it was, however, a form which the law of nations required, and there could not be one law for one part of the world, and another for another. Besides, the relations of countries often turned on matters of etiquette, which could not be dispensed with without great inconvenience: and their lordships must bear in mind the opinion which this country entertained of the importance of establishing relations with South America. If there were no objection to the principle on which relations of political intercourse were to be established, why was the recognition so long delayed after the independence had, in fact, been so fully asserted? He did not mean to say that every part of South America had fully established its independence; but he should not be contradicted when he confined himself to two of the states, namely, Colombia and Buenos Ayres. Few if any of the states of the continent of Europe had a better claim to be regarded as independent. The independence of Colombia and Buenos Ayres stood on a more firm foundation than that of the state, respect to which had caused, whether properly or not, he should not now discuss, delay in doing that act which the interests and the policy of this country so obviously seemed to call for. He must express his confident hope that, previous to the next meeting of parliament, full effect would be given to the declaration which his majesty's ministers made, by the recognition of such of the states of South America as might be in a condition to maintain their independence.

The Earl of Liverpool felt it necessary to say something on what had fallen from the noble marquis, and what he had to state would be perfectly plain, explicit, and distinct, as to the course which the king's government had pursued on this subject. When the noble marquis formerly brought this matter under the consideration of their lordships, he reduced the question to three points—1. Whether there was any connexion between this country and any states of Europe (Spain excepted) which rendered it necessary to withhold the recognition of the South American states. At that time, he took

upon himself to state to the noble marquis that this country was under no engagement, expressed or implied, which could prevent this country from acknowledging the independence of the states of South America, whensoever such a measure should be thought proper; that the government were completely free to exercise their own judgment, and that whatever the result of that exercise might be, the subject would be treated purely as a British question, determined upon British interests. The next point was, how matters stood with regard to Spain. In answer to that, he had stated, that it was very desirable, if it possibly could be accomplished, to induce Spain to be the first to make the recognition: and every thing which had since passed had only tended to confirm him in the propriety of this view. The recognition of a colony could only emanate de jure from the mother country; and until that event did happen, there would always be some degree of inconvenience in the relations which other countries might establish with a new state. This was obvious: he had never stated that this inconvenience was a reason for refusing the recognition, but that it was one, which made it desirable to induce the mother country to take the first step. He had hoped from what had passed that that would have been done; but every effort to induce the government of Spain to take that step having failed, the government of this country did not consider itself precluded, whenever the proper time should arrive for recognizing the independence of South America, by any obligation or engagement, moral or other. His majesty's ministers considered themselves perfectly free on this question, as well with respect to the government of Spain as with every other. The third point was, whether measures had been taken, by sending out commissioners, to form a judgment whether the governments of those states were in such a condition of reasonable permanency, as to render it advisable to carry into effect a recognition of the independence of those states. This last was the only question that now remained to be answered. Their lordships knew that commissioners had been sent out; and when he stated, that no information on the subject of their mission had yet reached this country, he was, sure he said enough, to account for a recognition not having taken place. He had only to repeat that his majesty's government

was under no obligation whatever which could prevent the recognition of the states of South America, whenever it should appear to be consistent with the interests and character of the country to make such recognition; and that his majesty's ministers had taken means to obtain the necessary information respecting those states, and would act upon that information as soon as they received it.

PROTEST AGAINST THE EARL MARSHAL'S BILL.] Lord Holland before he proceeded to the motion of which he had given notice, was desirous that the minutes of the 18th, 19th, and 21st instant should be read. He could not but express his satisfaction at seeing, on the last day previous to the prorogation, that the delicate matter—for delicate he could not but call it—which he was about to bring forward, would receive the consideration of so full a House. He felt satisfaction also, that, if his recollection should fail him as to facts, he spoke in the presence of many noble persons who witnessed what had passed, and he was sure would acknowledge the correctness of his statements where they were correct, or set him right if he should in any respect be in error. But if there lordships should not agree to adopt his proposition, they would at least bear this in mind—that it was not impossible, even at the shortest notice, to procure a numerous meeting of that House. Their lordships had given a practical proof that at that very late period of the session, a full attendance of peers could be obtained on four and twenty hours' notice. Those persons, therefore, who had such a feverish apprehension on all subjects connected with this important bill as it was called, must have had full opportunity to attend if they pleased. He then moved that the minutes be read. [Here the minutes were read by the clerk.] His lordship also moved the reading of the following Protest.

“DISSENTIENT.—Because, on general principles, I object to any concession to Roman Catholics, either collectively or individually; and the bill violates the constitution, by enabling a Papist to hold high office near the person of a Protestant king, and dispenses with those oaths which Protestants are bound to take. Because the practical effect of dispensing with the oath of supremacy to Papists must of necessity create a constitutional jealousy on the part of the Protestants, thereby ge-

nerating feuds and animosities, most especially at the present time, when Papists avow their intentions by language and acts so undisguised, that they cannot be misunderstood.

“Because, to sanction the separation of the oaths of allegiance and supremacy, is to establish a most dangerous and alarming precedent, inasmuch as the union of church and state forms the basis of our constitutional greatness and excellence, freedom and security. And lastly, because at this very late period of the session, and at the early hour of five o'clock, before peers arrived at the House, the present decision cannot be considered to be the sense of this House, many peers being absent, and the House taken quite unawares. For these reasons, and having the welfare of my country indelibly at heart, I solemnly protest against this bill, and other measures of a similar nature which are in a constant course of progression.

(Signed) “NEWCASTLE
 “ABINGDON.”

Lord *Holland* now rose to complain to their lordships of this protest. Their lordships would perhaps think it strange that he should consider himself called upon to make any animadversion on a protest, more than any other noble lord had who thought it his duty to be very free in tendering protests against the decisions of the House. Before he sat down he would conclude with a motion, conceived in words on hearing which he believed their lordships would acknowledge, that at no period in the last 120 years would such a protest have passed without a more severe censure. He complained of this protest on two grounds; in the first place, that it left a general impression on the minds of those who heard it exactly the reverse of what the facts accurately stated would produce; and that of the seven propositions which it contained, one only expressed a fair difference of opinion; and that the other six were misapprehensions of the orders and practice of their lordships' House, or proceeded from a want of right recollection of facts and circumstances, or constituted a direct attack on the honour of the House—an attack, which tended to subvert all respect for the laws of the country and those regulations upon which all deference to the proceedings of that House rested. He referred more particularly to these words—“And lastly, because at this very late pe-

riod of the session, and at the early hour of 5 o'clock, before peers arrived at the House, the present decision cannot be considered to be the sense of this House, many peers being absent, and the House taken quite unawares.” Now, he would ask their lordships what would be thought on reading this protest, by any man not conversant with the hours of attending in this House, or by any individual who was not present at the transaction to which it referred? He would ask whether the impression would not be, that the subject was quite new to the House, and had not been heard of in the course of the session—that it had been taken suddenly up and contrary to the regular course of business—that the bill had been hurried through in a manner quite unusual—that no pains had been taken to procure due attention to the subject from their lordships who could attend, and that no opportunity had been afforded to those who could not attend to send their proxies? Was not all this likely to be the impression on any man's mind who was not acquainted with the facts? So far, however, from this being the general complexion of the transaction, that the bill which had been passed was one which related to, and had for its object, a matter which had been very recently under their consideration; that it came recommended by persons of high authority, both agreeing and disagreeing on the great question of Catholic emancipation; that the measure was in no one instance objected to, except on the ground of form; that it was not hurried through the house; and that ample opportunity was given for the attendance of such of their lordships as chose to be present. He must confess, that the most difficult part of the task which he had that day imposed upon himself, consisted in noticing such frivolous objections—objections which applied more to the bill brought in by the noble earl opposite, and which had also received the sanction of parliament. That noble earl gave notice of the bill he introduced, and there was some expectation that the Earl Marshal's office would have been included in the measure. The House was then taken by surprise; but it was the surprise that that measure was not included. The noble earl, however, explained his conduct satisfactorily; but did he object to the object of the bill against which the protest was directed? By no means. He stated, that he refrained from including that office

on three grounds: 1st, that from the dignity of the Earl Marshal's office, it would not be proper to make it a part of a bill relating to officers of the revenue; second, that the urgency of the case required the immediate passing of the bill; third, that he had doubts, whether the noble Earl Marshal would like to be restored to his office in the manner proposed. Now, would any man say, after this, that his bringing in the bill could be taking the House by surprise? It was not perfectly regular to take notice of any conversation which passed in that House, except such as occurred openly at that table; but he would say, that after the discussion to which he had referred, scarcely a day had passed without some conversation having taken place on the propriety of bringing forward this measure. In the mean time, a stroke of Providence deprived his excellent and illustrious friend, the noble duke, of a near relation, and left him without any person to whom he could immediately wish to delegate the exercise of his office. It was then felt that this was the proper time to bring forward the measure on which the general sense of the House had previously been expressed. He should show that the House had not been taken by surprise, and that no one had any right to say so. At the same time, he wished it to be understood that he would always stand up for the right of a minority to enter a protest against any proceeding to which they objected. They were always entitled to exercise the privilege of recording their opinion. With regard to the objectionable part of this protest, the statement, that the bill was brought in at a late period of the session was correct. If that statement had stood alone, there would have been no objection to it; except that the circumstance complained of was not unusual. But what would be thought of this objection if their lordships referred to what had passed in other years? He wished they would consider what sort of bills were brought up and passed at the close of the session. In the present year a very unconstitutional act—The Irish Insurrection act—had been passed with as thin an attendance, and less notice, than the bill protested against. If their lordships looked at the Journals at the latter period of almost every session, they would find that coercive measures, and bills which had for their object pains and penalties, were then generally introduced,

and very little attended to. Were they then to understand, that whenever a bill infringing on the liberties of the people was proposed, they might pass it in as thin a House, and with as little consideration, as they pleased; but that when a bill of boons and concessions was proposed, every absent peer ought to be consulted? The next clause of the protest censured the passing of the bill at the early hour of five o'clock. In this statement there were two propositions, both unfounded—first that five o'clock was an early hour; and secondly, that the bill did pass at five o'clock. In the first place, five o'clock, so far from being an early hour, was the period which, by general agreement, had been appropriated to the transaction of public business. It was wrong, therefore, to say that this particular business came on at an early hour. It was the duty of every noble lord to attend when the House was sitting. Every noble peer was entitled to bring forward a subject whenever he pleased. It was merely in consequence of the usual courtesy that he did not stand up yesterday and make the motion he now intended to make, instead of giving a notice as he had done. It was a little too much, then, to be accused of an irregularity, when the courtesy and forms of the House had been strictly adhered to. The general rule was, to proceed to public business at five o'clock. Exactly as the minute-hand came upon the number twelve, he took the bill in his hand and went up to the table. Some person near him said, "Go on, move;" but, observing that some noble lords had petitions in their hands, he said, "Let the petitions be first presented." Accordingly, eight petitions were immediately presented. A short conversation afterwards took place at the table. A noble relation and friend of his, if the noble duke (Richmond) would allow him to call him so, also presented several petitions. One petition was also presented by another noble lord. A noble friend of his (earl Grosvenor) adverted to a measure which had occupied the attention of their lordships, and actually made a motion. After all this had been done, he again rose, and moved, that the order of the day be read; which being done, he proceeded to move the third reading of the bill. He introduced that motion by two or three sentences. He did not think it necessary to say much; but it must be in the recollection of many of their lordships that he stated enough to apprize the

House of what was going on. The next proposition to which he should advert was, "that no peers had arrived." Now, he must assert that many peers had arrived, and he declared, upon his honour, that if any noble lord had proposed to postpone the third reading, or to adjourn the proceedings on it for a short time, during pleasure, he would have consented. He did not say that he would have agreed to have given precedence to any bill which would have been likely to have caused discussion, because, if a bill were passed late in the night, the chance of its passing that same night through one stage of the Commons might be lost. But, he had another reason for not giving the precedence to any other bill which might have caused delay. He wished to take the opportunity of a full attendance, and he could, from his own experience, assert, that the House was generally a good deal better attended at five o'clock than at seven. Five o'clock, then, was not an hour by which the House could be taken by surprise; such surprise was, indeed, more likely to occur at the latter hour, when noble peers absented themselves for some cause which he should not attempt to describe. He was not here talking of theory, but of practice: for, on that very day, at a later hour, a bill of great importance had passed—a bill enacting severe punishments on subjects of this country. He had voted for that bill because he had thought it was necessary. It passed at a quarter before seven: the Earl Marshal's bill soon after five o'clock. What occurred then would substantiate all that he had before said—that when the liberty of the subject was in question, no anxiety was shown as to the state of the House. The minutes of the House would prove, that upon the third reading of the Welch judicature bill, the numbers of the division had been only eight to three. If the noble lords who signed the protest had chosen to divide the House when he moved the third reading of the Earl Marshal's bill, they would have found at least three times the number present. The noble lords, however, seemed to think nothing of a measure imposing penalties, while the Earl Marshal's office was, in their opinion, a subject which, like the Queen's trial, required the attendance of every peer. It was true, the forms of the House allowed absent peers to express their opinions by proxy; but that opinion was not given from what was heard in the debate. The

noble lord who voted by proxy, confided it to one whom he singled out, on the ground that he was likely to hold the same opinion as himself. This proceeding was consistent with the practice of parliament. He did not condemn it; but he wished noble lords who were so anxious for attendance, to consider well on what basis it was that tranquillity and submission to the laws depended. He wished to ask those noble lords who were so fond of appealing to the constitution and the laws, what they considered to be the foundation of that constitution and those laws? Did not the authority given to the laws depend on the consent of the two Houses of parliament, and the assent given to them by the king? There was an act of parliament for which the noble lords had great respect—that law which excluded Roman Catholics from seats in that House. He wished they would read what Protestant writers had said on the subject of that law. He wished they would read what the historian Ralph, who was a zealous Protestant, had said of the manner in which that law passed through both Houses of parliament. Writing seventy years after the transaction, he described it to have been carried in the midst of riot, and in a manner more like the violence of a mob than what ought to be expected from a senate-house, or the representatives of the people. Would it be said, then, that this law was not to be called the sense of the House? How was that sense to be known, but by the state of the votes? Sense or nonsense, that act was now the law of the land; and every time that their lordships took their seats in that House, they had to take the oaths and sign the declaration which it required. More had been done this session in calling together the peers than had ever been the practice. Now, his own opinion of that practice was, that it was a great advantage and convenience to their lordships; but, constitutionally speaking, he was not sure that it was not a great innovation; certainly it was a greater innovation on the constitution than permitting the Earl Marshal to perform his own functions rather than by deputy. It might be that on this occasion many lords were absent; in fact, he had never known but on the occasion of one bill that the majority of lords were present: 351 was, he believed, the number of which their lordships' House consisted, and he certainly never recollected 176 on a division but once. He

had thought it his duty on presenting the bill, to explain his motives for it, and the reasons which existed for expediting it through the House. Every person, therefore, who attended the House had ample notice that such a measure was in progress, and that a disposition existed to expedite it through the House; and those who knew how very near it was to the close of the session, must have been aware of the necessity there was for the bill to pass early in the day. When first his attention was called to this subject, he had looked for precedents, and he found that in 1701 a protest which had been entered was so effectually expunged, that no records of it remained either in the Journals or in any of the publications of the time; but it must have been one in which the majority thought an incorrect statement of facts had been made. The next instance was one of a bill connected with this question, brought up from the other House of parliament, and a very long and able protest was signed by those who were called the Jacobite peers. The earl of Sunderland complained of it, and then up jumped the then duke of Newcastle, and what did he do?—what he (lord Holland) now proposed to do? No, but with “one fell swoop” he took off from the Journals the whole of the reasons. What was the consequence? A long struggle took place between the expungers and the enterers of protests; and he had the satisfaction of stating that the minority beat the majority on that subject; they proved that expunging the protests was not only wrong in itself, but that it defeated its own purpose. They went on protesting, and the whole thing was virtually given up, as the majority did not expunge the reasons against expunging. This precedent at least showed that, in the year 1722, the majority thought there were reasons for expunging. In advertent to a more ancient and more reasonable precedent, he had a little malicious pleasure; as it was a protest against that bill which was brought in, and which infringed for the first time the birthright of the peerage of this country, by exacting an oath previous to discharging their duty in that House. That bill was called, or nicknamed, the Bishop’s Test. It was lost in that House, and was objected to by lord Shaftesbury, and by all the eminent men of the time, on the principle, that the birthright of the peerage was too sacred to be touched by the authority of

that House. It was thought, and perhaps rightly, that that was denying the authority of an act of parliament. In conclusion, the noble lord said, that the course which he proposed to adopt on the present occasion was, to submit a resolution, containing a statement of facts, and ending with a permission to the noble lords who had signed the protest, to withdraw that protest, if they thought proper. After reading the protest, his lordship concluded, by moving, “That their Lordships had been duly summoned to attend on Friday, to take into consideration the Standing Orders on the occasion of the Earl Marshal’s Bill; that the House came to no resolution thereon, but discharged the order; that the Bill was read for the second time on Saturday, the Committee being dispensed with; and that on Monday, the 21st instant, it was read the third time, after five o’clock, some of the Lords present having said not content, but none of them having called for a division, nor objected to the hour at which the question for the passing of the Bill was proposed.”

The Earl of *Abington* said, that as one of those who had signed the protest, he felt it incumbent on him to explain the principle upon which he had acted. Conceiving that the bill was perfectly unconstitutional, he had opened the Journals of the House to see if any protest had been entered against it, and finding that there was, he did not hesitate to affix his signature under a conviction that the bill was one which ought not to have passed. The object of the bill was, to enable the Earl Marshal to enter upon the duties of his office without taking the oath of supremacy—an oath which he (the earl of A.) conceived to be necessary to the protection of the constitution. In the oath of allegiance to his majesty, as taken by the Catholics, the words “he being Protestant” were left out, and great danger might arise hereafter from the omission of expressions that went to recognise and secure the Protestant ascendancy. If their lordships were to infer from what he had stated, or from what he had done, that he held the Roman Catholics in detestation, they would commit a great mistake. It was not from any feeling of animosity towards them, but from a disinclination to countenance any infringement of the constitution, that he had signed the protest which he had found already written. It was in this sense alone that he wished his protest to be understood, and he would

have no objection to amend it in such a manner as would confine it simply to that interpretation.

The Duke of *Newcastle* said, he rose with considerable embarrassment to address their lordships, being very little accustomed to speak in public. He would not enter at length into the various topics which the noble lord had introduced, but would confine himself altogether to the facts of the case. He wished, however, before he did so, to express his thanks to the noble lord for the temper in which he had brought forward his motion, avoiding every thing that could hurt his feelings, though intending to invalidate his protest. He could assure the House, on his own part, that he entertained no feeling inimical to the earl marshal, but directly the reverse. His objection to the bill was, not from any disrespect towards him, but because it was a favour, and a dangerous favour, granted to the Roman Catholics. It was, as he conceived, unconstitutional, and contrary to those principles which ought to be held most sacred. He begged to observe to the House, that every thing alleged in his protest he believed to be true; if he did not believe every word of it to be true, he was not the man who would wish to insert it on the Journals of the House. Like other men, he might have fallen into error. He might at present be labouring under an erroneous impression, though he did not think he was; but if such was the opinion of the House, he would willingly submit to the adoption of any course which they might think proper to recommend. He would take leave to repeat his opinion, that the bill had been hurried with indecent rapidity through its stages. It first came down on the Friday, on the Saturday it was read a second time, the committee having been dispensed with; and on Monday it was read the third time, and passed, as he thought, before five o'clock; but of that he could not be positive after what he had heard. It was passed however at an unusual hour, for a measure of such importance, and in the absence of many noble lords who wished to speak and to vote against it. Convinced that what he had stated was right, he was unwilling to retract. But, if the general sense of the House was otherwise, he would not oppose himself to their opinions. Throwing himself, therefore, entirely on the mercy of their lordships, he would be directed by them.

The Duke of *Richmond* said, that as he

had been called on by the noble lord to bear testimony to one fact, he was bound to state that it was past five o'clock on Monday when he presented several petitions.

The *Lord Chancellor* observed, that after a bill had once passed, the sense of the House must be considered as having been distinctly pronounced upon it; whatever might pass out of doors, such was the doctrine that must be maintained within. If upon any occasion the sense of the House was supposed to have been too hastily taken, there was one way of enabling them to retrace their steps—by moving for the repeal of the bill. He was far from insinuating that such a course ought to be pursued in the present case: his opinion was decidedly otherwise; and as for the question of hours, if their lordships thought proper to pass a bill at eleven o'clock in the morning, instead of five in the afternoon, still no one could deny that it would be the sense of the House. With respect to the oath of allegiance, he must say, as a lawyer, that it contained in it every thing included in the oath of supremacy: that the oath of supremacy was, in fact, added as an explanation of the oath of allegiance, or as lord Hale had expressed it, was passed to unravel the errors that had crept in. It was his intention to move an amendment, stating the facts more fully than they were detailed in the motion of the noble lord. Among other circumstances, his amendment would notice, that the Welch judicature bill stood before the Earl Marshal's bill on the orders. He did not mean to have it inferred from this, that their lordships were bound to take the orders in the succession in which they stood, but to shew that others might naturally fall into that mistake, on recollecting the usual practice of the House.

The Earl of *Lauderdale* protested against the inference, that the House was bound by any rule in such cases.

Lord *Holland* said, he should have no objection to the amendment suggested by the learned lord, but he should introduce one which he thought would meet with the concurrence of the House, especially after the candid manner in which one noble lord had explained the grounds of his protest. His lordship concluded by moving, "That the noble lords who had dissented, should be allowed to confine their dissent to such reasons, or parts of the reasons, as they thought proper."

The motion was agreed to *nem. dis.*

HOUSE OF COMMONS.

Thursday, June 24.

REGULATIONS OF SURREY MAGISTRATES—PETITION OF DEBTORS IN HORSEMONGER-LANE GAOL.] Mr *Hobhouse* said, he had a petition to present on a subject of considerable importance. It was from the whole of the debtors confined in the gaol for the county of Surrey; complaining of the regulations to which, under the orders of the magistrates of that county, the gaol was subjected. In the first place, the petitioners complained, that the act of the 4th of his present majesty, commonly called the Gaol act, laid down certain rules for the regulation of gaols, which were very undefined in their character. He was of opinion that the House ought to interfere, and to correct the indiscretions which, under this act, the unpaid magistracy of the country were prone to commit. It appeared that by the 4th and 12th sections of the act, the justices of peace assembled at the quarter sessions, were empowered to make such rules with respect to gaols as to them might seem expedient. It was impossible to know how far such a power might be carried. If the justices of peace, assembled at the quarter sessions, chose to direct that every prisoner should have only a single ounce of bread, and a single glass of water per day, there was nothing in the act of parliament to prevent them from issuing such an order. Although many of the Surrey magistrates were men of the highest respectability, and among them his hon. friend (Mr. Denison), and the noble lord opposite (Eastnor), who was recently the Chairman of the quarter sessions; yet, after the treatment which, by their directions, had lately been experienced by a gentleman, whose case had made a good deal of noise—he meant captain O'Callaghan—it was impossible not to look at their proceedings with considerable suspicion and jealousy. The petitioners complained that, in consequence of the regulations of the magistrates, only one hour in the day was allowed for the debtors to provide themselves with food, bedding, clothes, and other necessities. Now, as many of the friends of the petitioners lived at a distance from the gaol, and were engaged in business of various kinds, it must frequently happen, that the hour appointed for the purpose which he had just mentioned, which hour was from eleven to twelve o'clock, was inconvenient and in-

sufficient. If, however, the unfortunate debtor did not receive the supply of which he might stand in need, in the course of that hour, the consequence was, that he might be without food for the next four-and-twenty-hours. The act under which this regulation was made stated, that the prisoners might receive food at proper hours. But, as he had already said, only one hour was allowed for that purpose at Horsemonger gaol; and this restriction in point of time was attended with great inconvenience and hardship. The act also said, that the magistrates should be empowered to make such regulations and restrictions under which food was to be permitted to enter the prison as to them might seem expedient. But, at Horsemonger gaol, in addition to the rule by which only one hour in the day was allowed for the admission of food, it was ordered that the food should be of the plainest kind, and nothing but water was allowed even to those debtors who could afford to pay for other beverage. This regulation was so cruel, that the very gaoler had relaxed its severity, and allowed each prisoner, if he chose it, a quart of porter a day. It must be recollected, that no huxter's or other shop, in which food, drink, bedding, clothes, &c. might be purchased, was allowed within the walls of the prison. Even if a prisoner were desirous of sending out for a little bread and cheese, the turnkey was not permitted to procure it for him. This regulation was enforced so strictly, that he understood a bun had been taken out of the hands of a child entering the prison, lest it should be given to its mother, who was confined in it. Such a law, if not wicked, was at least foolish, and very apt to be abused. The petitioners complained of another regulation, which was, that no visitor should be allowed to remain in the prison after five o'clock in the evening. The consequence was, that many small tradesmen; who were friends of the petitioners; and, which was of much more importance to them, the lawyers who practised in the Insolvent Debtor's court, were frequently prevented from seeing the prisoners at all. Similar regulations, not even that respecting food, did not exist in the Marshalsea and other prisons. Another complaint of the petitioners was, the grievance of shutting up the wards in summer at six o'clock in the evening. Those gentlemen who knew any thing of the situation of Horsemonger-lane gaol,

would be aware, that the sun struck fiercely upon it throughout the day, and that the evening was the only time in which it was possible for the prisoners to indulge in a refreshing walk. To prevent them from doing so was a severe punishment; more especially when it was considered, that the persons on whom it was inflicted were debtors, and were not persons contemplated by the law as criminals. The jet of the petition (and an extremely well drawn petition it was) was to beg that the House would amend the Gaol act. He hoped that in the next session, the House would take the subject into their serious consideration. It was impossible to go on allowing a discretionary power to magistrates. He certainly entertained a strong opinion with respect to the conduct of magistrates generally. Not that he believed that they wished to be oppressive, but that he thought the power of being so led them into error. He begged to entreat the right hon. secretary in the name of the petitioners, as it was too late in the session to amend the act of which they complained, to consider the expediency of interfering in his official capacity, with a view to mitigate the severity of the regulations of the county gaol of Surrey. He did not exactly know how the law stood. It appeared as if it enabled the magistrates at large to deprive themselves of their authority; for when, in the extraordinary case of captain O'Callaghan, that gentleman applied to the court of quarter sessions for relief from the hardships under which he was suffering, the justices of the quarter sessions said, that they could not take the case out of the hands of the visiting magistrates, although the latter were intrusted with their power, by the court of quarter sessions themselves! He did not know, therefore, whether the right hon. gentleman could interfere; but he was persuaded that he would do it if possible, if he read the regulations of the Horsemonger gaol, and saw how contrary they were to the spirit, and to the letter, of the Gaol act. They were regulations peculiar to Horsemonger gaol. None such existed at the King's-bench, the Marshalsea, or the Fleet.

Mr. Denison said, that, in many points, he perfectly agreed with his hon. friend. He condemned the Gaol act: he hoped it would be repealed, and that the old law on the subject would be renewed. But, with many thanks to his hon. friend for the

personal compliment which he had paid him, he could not accept it at the expense of his brother magistrates. Like other men, they were liable to err; and he certainly did think that they had erred with respect to captain O'Callaghan; but he was persuaded that no magistrates could exert themselves more earnestly for whatever they thought conducive to the welfare of the county to which they belonged. With respect to the state of the gaol in Horsemonger-lane, the complaints of the petitioners were, in some degree, well-founded. But they had directed their battery against the wrong quarter. It was the law of the land that was in fault. There were two grievances consequent on that law which required redress. The one was, that no fermented or spirituous liquors could be introduced into a prison, except by the directions of the surgeon; the other, that the prisoners had not a choice between accepting the gaol allowance and furnishing their own food. He was perfectly ready to allow that there was a wide difference between prisoners confined for debt and criminal prisoners. The former were, in many instances, the victims of misfortune, and ought not to be subjected to punishment. There were two of the regulations of which the petitioners complained, which he frankly allowed were hardships. The first was, the restriction of the time during which food might be brought into the prison; and which certainly ought to be during two or three hours, instead of only during one hour in the day. The second was, the restraint on the intercourse of the prisoners with their friends. As the regulations now stood, the prison gates were closed at three o'clock in winter, and at five in summer. Perhaps the hour might be advantageously extended to four in winter, and six or seven in summer. A further opportunity ought also to be afforded to the prisoners to enjoy fresh air in the evening. It was his intention to-morrow morning to bring these points under the consideration of the visiting magistrates. As to the case of captain O'Callaghan, he had not read the trial of that gentleman, nor did he know any thing of the parties. He had heard the case mentioned by an hon. member on last Saturday night. The first thing he did on Monday morning was to go to the gaol, and tell the gaoler, that he thought there must be some mistake in the business, and that he conceived the prisoner might have what food he required, as

well as the newspapers, and every thing else that he wanted, with the exception of wine, which, in conformity with the law, could be introduced only through the means of the surgeon of the prison. With regard to the trial, his noble friend, the member for Hereford, who presided on that occasion, to whom the county of Surrey was so deeply obliged for his valuable services, and than whom no man could be found of greater humanity and discretion, never understood or thought that the prisoner would be treated in the manner in which he had been treated; or supposed that he would not have received all the indulgence that his situation required. He agreed with his hon. friend, with respect to the new powers which the Gaol act had vested in the magistrates. He had doubts also, if individuals, having seats in that House, should be also magistrates, whether the same persons should make the laws, and execute them also. He trusted, that after what had been stated, respecting captain O'Callaghan, the right hon. gentleman opposite would take the case into consideration, and with the humane feelings which distinguished him, extend the mercy of the Crown to an individual whom it was never intended should be punished so severely as he had been. He rather thought that that individual himself had committed a mistake, so fully confident was he of his acquittal under the circumstances of the gross insult and provocation that he had received, that he did not, as he might have done, bring his case before the court of King's-bench; in which case, he would have received every kind of indulgence. But the justices of the court of quarter sessions had no power to order him to any prison but the county gaol; a place which certainly was not fit for a person of his description. As far as he could, he would endeavour to remedy the two hardships to which he had adverted. The others were, he feared, beyond his power.

Mr. *Maberly* observed, that as the magistrates of Surrey had delegated their authority to the visiting magistrates, he hoped the error, if any, would be imputed to the latter alone. He should feel it his bounden duty, however, to bring the subject before the magistrates generally. They knew nothing of what had occurred. At least, he might say, as one of them, that he knew nothing about it.

Mr. Secretary *Peel* said, that with regard to the existing law on the subject of

the petition, before hon. members blamed it, they would do well to see what the old law was for which it had become a substitute. As compared with that old law, there was not a single provision in the new law which was not favourable to the prisoners. He apprehended that he had no direct power to interfere on the points of which the petitioners complained. In fact, the less the Executive government interfered in such matters the better. The regulations of every gaol must be first agreed to at a general meeting of magistrates, and then submitted for the approbation of two judges of assize, before they could be carried into effect. He had the greatest confidence also in the magistrates of the country, and was convinced, that if any hardship sustained by a prisoner was submitted to them, they would immediately listen to the complaint, and, if it should appear a reasonable one, redress the evil. Interference, therefore, on his part, did not appear to be necessary. As to the case of Mr. O'Callaghan, he had made inquiries respecting it. He had had an interview yesterday with the noble lord who had presided at the trial, and he confessed that that noble lord had satisfied him of the propriety of the conviction. The case having been brought before the proper tribunal, and submitted to the investigation of a jury, a verdict of guilty was found; in consequence of which the magistrates sentenced the defendant to a fine of 20*l.* and to a month's imprisonment. He (Mr. Peel) had asked the noble lord, whether in considering the sentence they should pronounce, the magistrates had taken into the account the recommendation of the Jury? His lordship replied in the affirmative. Under all the circumstances, therefore, he did not think the sentence unjust and severe, and did not feel it to be his duty to recommend to his majesty to remit it. Understanding that Mr. O'Callaghan complained of the treatment which he experienced in the prison, he (Mr. P.) had that morning required the attendance of the gaoler, and had directed that Mr. O'Callaghan should be at liberty to supply himself with whatever provisions he might wish for; and that his friends should have free access to him.

Sir *R. Wilson* observed, that they were informed by the right hon. secretary, that he had asked lord Eastnor whether the court had taken into consideration the recommendation of the jury; but, there was another question which the right hon.

secretary ought to have put to the noble lord; and it was, whether the court had considered that the punishment to which their sentence had consigned the defendant, would have subjected him to such punishment as he had endured during the first eight days of his imprisonment.

Lord *Eastnor* expressed his regret that he was not in the House when this petition was presented, but as he understood that a petition was to be presented from Mr. O'Callaghan, he would reserve any observations he had to make until that petition came before the House.

Sir *F. Burdett* was sure, that his hon. colleague had not meant to cast any imputation upon the conduct of the noble chairman of the quarter sessions. He was likewise sure, that the humanity and liberality which always distinguished the conduct of his hon. friend, the member for Surrey, would lead him to mitigate the hardships of this prison law by every means in his power. He could not, however, help saying, that the case which was then before the House, showed that the alteration which had recently been made in the law of the country was a very grievous alteration; and he did not know how it was possible for any man with the ideas of a gentleman, to avoid experiencing the strongest disgust, on viewing the risk which he now ran of being subjected to the utmost degradation and insult for an offence which any of them might be urged to commit under the impulse of exasperated feelings. For his own part, he would declare, upon his honour, that he would rather be sentenced to be hanged at once, than to undergo the insults which captain O'Callaghan had suffered in the gaol to which he had been committed. He would ask whether any greater mental torture, any more flagrant mental degradation, could be inflicted upon any man who moved in the sphere of a gentleman, than to be placed behind iron railings, and to be compelled to communicate with his friends, not only upon the same terms, but also in the very company of a set of felons? He allowed that the present was an inconvenient time for entering into a discussion on the state of the prison laws; but, nevertheless, he could not refrain from expressing a hope, that the House would soon see the propriety of recurring to the old English law regarding gaols—of taking the management of them from the magistrates—of restricting the magistrates to their ancient jurisdiction—

and of giving the custody of gaols to the sheriff, the old constitutional officer, to whom it had originally belonged [hear, hear].

Mr. *Hobhouse*, in reply, observed, that the law itself was so absurd and wicked, and gave so great a latitude to the magistrates by whom it was administered, that no man could be safe while it remained in the Statute-book. He was glad to find that his hon. friend, the member for Surrey, owned that three of the complaints made by the petitioners were well-founded. He had no doubt that in consequence of what had passed that evening, all those hardships would be remedied. Justice required it. He repeated that it would be much better to abandon the new-fangled system of gaol management, and to go back to the old practice, even with all the vices which belonged to it. As to the case of Mr. O'Callaghan, he would make only one remark. There was not a member in that House who did not recollect a case some years ago perfectly similar. He was far from meaning to say any thing personally unpleasant to the right hon. gentleman opposite. On the contrary, had he been in the situation of that right hon. gentleman's brother, on the occasion to which he alluded, he would have done just what he did. The act, however, was an assault similar to that which had been committed by Mr. O'Callaghan. But, what was the punishment? A month's imprisonment in the King's-bench. How different from the punishment of Mr. O'Callaghan! He had seen the prison, and the particular place in which the gentleman he alluded to was confined. He had his friends to dine with him every day, had any kind of food, had every indulgence he wished for, and walked about at his ease. But, Mr. O'Callaghan was shut up in a solitary cell twelve hours out of the twenty-four, compelled to live on bread and water, and, exposed to the most painful mental degradation. He knew the gentleman, and a more respectable man he never saw. The sentence, hard in itself, was rendered infinitely more so by the mode in which the gaoler thought he was called upon to carry it into execution. He had a right to say that the sentence was hard. Chief Justice Best, had, the other day, declared, with reference to a respectable individual who had given another two slaps in the face, that the jury could not give more than a farthing damages. He would ask the

noble lord, if the bench of magistrates intended that Mr. O'Callaghan should be punished as he had been; and he was sure the noble lord would reply in the negative. As therefore that gentleman had received a more severe punishment than the court intended, he did think that the right hon. gentleman was called upon to recommend the remission of the remaining term of his imprisonment.

Mr. *Peel* said, the hon. gentleman ought to bear in mind, that, in the instance to which he had adverted, the sentence, besides a month's imprisonment, was a fine of 500*l.*, and to enter into recognizances to the amount of 8,000*l.* to keep the peace for five years. The law was, that a person committing a misdemeanour, should be subjected to a certain punishment; but it provided, that under special circumstances that punishment might be modified by the visiting magistrates.

Ordered to lie on the table.

PETITION OF LUKE CARLOS O'CALLAGHAN, COMPLAINING OF ILL-TREATMENT IN THE SURREY COUNTY GAOL.] Mr. *Abercromby* stated, that he had to present a petition from the individual whose name had been so often alluded to in the course of the late discussion; he meant Mr. O'Callaghan. The case of that gentleman had excited great public attention, and the only reason which he could find for its having done so was this—that when the public looked to the offence which Mr. O'Callaghan had committed, to the provocation which he had received, to the recommendation which the jury had given him for mercy, and to the treatment to which he had subsequently been subjected in consequence of his sentence, they saw that there was such a difference between the offence and the punishment, as compelled them to withhold their sympathy from the punishment, and to give it to the person on whom the punishment was inflicted. The petition was, in his opinion, well deserving the attention of the House; and he thought that the right hon. secretary, if he took it under his consideration, would see, that the petitioner had suffered a degree of punishment for the space of a week, which neither the noble chairman who passed the sentence, nor the bench who concurred in it, intended him to suffer. The hon. member then went into the particulars of Mr. O'Callaghan's case, reading them from the petition. After he had

finished them, he called the attention of the House to the fact, that Mr. O'Callaghan had been obliged to submit to this extraordinary treatment for a week, and that he had not ceased to suffer from it until his hon. friend (the member for Surrey), with a humanity that was highly creditable to him, had interposed his authority to put an end to it. He asked whether any person, looking at the provocation which Mr. O'Callaghan had received, the offence he had committed, and the condition of life in which he moved, would have subjected him to all the severities which he had undergone? It had been said, that the bench, in passing sentence on Mr. O'Callaghan, had taken the recommendation of the jury into their consideration: but, in reply to that assertion, he asked, whether the bench would have passed the sentence which it had done, supposing they had known the different aggravations which it was to receive from the gaol regulations? Looking at all the circumstances of the case, he thought that strong grounds were laid for the interference of the House, and for its calling on the right hon. secretary to recommend the petitioner to the mercy of his majesty. The petition did not so much apply to the sufferings of the petitioner as it called upon the House to prevent similar severities from being inflicted on others.

Lord *Eastnor* assured the House, that he never undertook a more painful duty in his life, than that of presiding at the late quarter sessions for the county of Surrey. He undertook it not from any wish of his own, but at the request of his hon. friend the member for the county, in order to give the magistrates time to select a proper successor to their late worthy chairman, Mr. Harrison. He could assure them that he had given his best attention to this case, and that the rest of the bench had done so too. They did not wish to do any thing harsh, but they thought that they were bound by their sentence to mark their opinion of the assault which had been committed. He did feel that without a strong case, it was improper to allude in that House to what occurred before the judicial tribunals of the country; but, after what had fallen on the present occasion from hon. members, he felt himself bound to state, that the provocation which Mr. O'Callaghan received did not appear to be such as warranted the assault he had made on the prosecutor.

He did not feel it necessary to say more upon that part of the subject. If he had felt the sentence to be harsh, he certainly should not have passed it; but he did not feel it to be harsh at the time, and upon the reflection which he had since given to it he was confirmed in the opinion that he had done nothing more than his duty. There were, it was true, facts stated by the learned counsel for the defence, which if they had been proved, would have formed a provocation sufficient to justify the assault; but, so far were those facts from being proved, that there was even evidence on the other side to negative their existence. A defence, which added insult to injury, was considered by the bench as an aggravation of the original offence.

Mr. *Maberly* trusted, that as there was to be a meeting of the Surrey magistrates to-morrow, they would resolve to appeal to the right hon. secretary to shorten the duration of captain O' Callaghan's imprisonment, in consequence of the aggravation it had received from the very hard discipline which they had imposed upon the prison. For the honour of Surrey, he hoped that nobody would in future suffer in any of the county gaols a greater punishment than that to which the bench intended to consign him.

Lord *Eastnor* said, he was anxious to make one observation which had before escaped him. He was not, when the sentence was passed on this gentleman, aware of the precise nature of the prison regulations; and when he was told of the privations to which Mr. O' Callaghan had been subjected, he doubted the statement, and said, that there must be some mistake. He, however, learnt, that the statement was true. He was afterwards informed, that those restrictions were removed, and every fair and reasonable indulgence given, and he was glad of it.

The Petition was ordered to be printed, It was as follows:—

“The humble Petition of Luke Carlos O' Callaghan, a prisoner now confined in the Surrey Gaol,

“Humbly sheweth—That your Petitioner was on Monday the 14th instant tried at the quarter sessions for the county of Surrey, for an assault on the rev. James Saurin; that on the trial it appeared that your petitioner had some ladies under his protection, and that it was in resenting what he conceived to be, and what he

still believes to have been, a wanton insult to those ladies by the prosecutor, that your petitioner committed the act which the jury on the trial found to be a breach of the peace.

“That the jury, impressed with the feeling that the conduct of the prosecutor had provoked the assault, did, in pronouncing your petitioner guilty, strongly recommend him to the mercy of the court; but that, notwithstanding such recommendation, the court sentenced him to an imprisonment of one month in the county gaol, and to pay a fine of 20*l*.

“That from the time of his imprisonment your petitioner was limited (with the exception of part of one day) to the county allowance of course brown bread and water; that though he repeatedly asked permission to provide himself at his own expense, such permission was constantly refused by order of the visiting justices. Your petitioner was, during the above time confined for 12 hours in each day in a solitary cell, 8 feet 6 by 6 feet 4, having no other sleeping place than a mattress spread on a plank 20 inches and a half wide, with a covering of two rugs and exposed in this situation to the damp night air, there being no glass within the iron grating of his cell; that in the day-time he is confined to a court about eight yards by six; that in the sitting or day-room there is neither table or chair, or any resting place except a narrow bench close to the wall.

“That your petitioner has been prevented from holding any communication with the friends who visited him in prison, except through two iron gratings, placed several feet apart, exposed to the inclemency of the weather, and liable to have all that passed between them heard by the surrounding prisoners. That your petitioner was, during this time, not allowed even permission to receive or read a newspaper.

“That notwithstanding that your petitioner memorialled first the magistrates, in court of quarter sessions, and afterwards the visiting justices, stating his case, and praying for redress, your petitioner received no relief from either source; and that he continued to be treated (as he respectfully submits) more like a felon, than a mere misdemeanant, up to Monday the 21st, when, by the humane interposition of Mr. Denison, a member of your honourable House (and one of the visiting justices), some relaxation took place in

the severity of your petitioner's treatment but that he is still subjected to many restrictions and privations, not called for, as he humbly submits, by the nature of his case.

"That your petitioner has transmitted a memorial to the right hon. the secretary of state for the Home Department, stating the nature of his sufferings, and imploring a remission of his sentence.

"That this memorial was accompanied by one from the jury who tried your petitioner, in which they earnestly recommended your petitioner to the mercy of the Crown, on the ground of the provocation given by the prosecutor.

"That your petitioner has every confidence that the humane disposition of the right hon. secretary of state for the Home Department will lead him to give to your petitioner the most merciful consideration; but your petitioner, believing that, as faithful guardians of the public liberty, your honourable House will feel disposed to give effect to the prayer of one in whose case that liberty has been violated, most humbly implores,

"That your honourable House, taking all the circumstances of his case into consideration, may be pleased to support the prayer of your petitioner's memorial in such a manner as to your honourable House shall seem proper.

"Your petitioner further most humbly begs, that your honourable House may be pleased to institute an inquiry into the conduct of the visiting justices with respect to your petitioner's treatment, and also into the manner in which prisoners generally are treated in the Surrey gaol in order that timely steps may be taken to remedy such abuses as those under which he now suffers. And your petitioner, as in duty bound, will ever pray."

HOUSE OF LORDS.

Friday, June 25.

THE SPEAKER'S SPEECH TO THE KING.]

At half past two o'clock, his Majesty, accompanied by the great officers of state, entered the House, and being seated on the throne, the Usher of the Black Rod, was directed to summon the Commons to attend his Majesty. In a few minutes the Speaker appeared at the bar, accompanied by about sixty members.

The Speaker then delivered the following speech:—

VOL. XI.

"May it please your Majesty—We, your Majesty's faithful Commons of the United Kingdom of Great Britain and Ireland, attend your Majesty with our concluding bill of supply.

"It was indeed gratifying to us to learn from your Majesty, at the commencement of the session, that the agricultural interest, so deeply important as it is to our national prosperity, but to which parliament could at any time have afforded but very partial and imperfect relief, was gradually recovering from the depression under which it had so grievously laboured; and we confidently hope, that that improvement will be the more substantial and the more satisfactory, because it has continued and still continues.

"Equally gratifying to us, Sire, was your Majesty's declaration, that trade and commerce were extending themselves both at home and abroad; that increased activity pervaded almost all branches of manufactures; and that the growth of the revenue had been such as not only to sustain public credit, but, after providing adequately for the services of the year, to leave such a surplus as might be most satisfactorily applied to the reduction of some parts of our system of taxation.

"Sire, we did not hesitate to make ample provision for the augmentation of our establishments by sea and land, rendered necessary by the distribution of your Majesty's naval force and the strengthening of your Majesty's garrisons in the West-Indies.

"Sire, after providing for the services of the year, it was a most acceptable duty imposed upon us, to consider in what manner the reduction of such parts of our taxation could be effected as would be best calculated to infuse fresh life and vigour into important branches of the national industry.

"Sire, two courses were obviously open to our consideration—the reduction of direct taxation, or the disencumbering the trade of the country of those restraints and impediments which are so utterly inconsistent with every enlarged and enlightened principle of trade, and which nothing but the exigencies of the state, or the infaney of trade, could at any time either recommend or justify.

"Sire, the latter alternative was adopted by your Majesty's faithful Commons; the field, however, was large before us, and to our exertions there was, obviously this limit—the extent to which the re-

venue would allow of the immediate sacrifice, and the consideration that it would neither be practicable, nor, if practicable, would it be advisable, too roughly and too precipitately to break down a system, which, however faulty, had been the growth of ages, and on the existence of which so immense a capital had been invested.

"Sire, so far, then, as our means would admit, and so far as a due attention to the difficulty and delicacy of this alteration of system would allow, we have effected as we confidently hope, a vast and permanent advantage to the nation.

"Sire, in considering the state of Ireland, we have felt it, however painfully and reluctantly, our imperative duty to concur in the enactment for another year of the Insurrection act—not, Sire, deluding ourselves with the vain hope and expectation that such a measure would cure the evils or remedy the grievances with which the disturbed districts of that country are so unfortunately distracted—not, Sire, concealing from ourselves, the harshness of the enactment and the severity of the penalties, or the total inaptness of the law itself to the first and fundamental principles of the British constitution—much less, Sire, contemplating that such a measure could at any time be proposed as a permanent law for Ireland; but, deeply impressed as we are with the emergency of the moment, confident that the existence of such a law has restrained the excess of outrage, and believing that it has operated as a protection to the innocent, and even as mercy to the guilty, we have felt, Sire, that the magnitude of the evil, and the experience of the efficacy of this law to mitigate in some degree the extent of that evil, call for and justify its temporary re-enactment.

"Sire, it would ill become me to enter into detail on the various other subjects which have engrossed our attention; but I may be permitted to express a perfect conviction, that your Majesty's faithful Commons, by their anxious deliberations to effect whatever may conduce to the permanent interests of the nation, have entitled themselves to the gracious approbation of your Majesty, and to the full and entire confidence of the public."

THE KING'S SPEECH AT THE CLOSE OF THE SESSION.] The royal assent was then given to sundry bills, after which his Majesty delivered the following speech:

"My Lords and Gentlemen,
"I cannot close this session of parliament, without returning to you my warmest acknowledgments for the diligence and assiduity with which you have applied yourselves to the several objects of public interest that have been submitted to your consideration.

"I deeply regret the painful necessity under which you have found yourselves of renewing, for a further period, measures of extraordinary precaution in Ireland.

"I entirely approve of the inquiries which you have thought proper to institute as to the nature and extent of the evils unhappily existing in the disturbed districts of that country, and I have no doubt that you will see the expediency of pursuing your inquiries in another session.

"I continue to receive from all foreign powers the strongest assurances of their friendly disposition towards this country, and you may rely on my endeavours being invariably directed to the maintenance of general peace, and to the protection of the interests and extension of the commerce of my subjects.

"Gentlemen of the House of Commons,

"I thank you for the supplies which you have provided for the service of the present year, and especially for the grants which you have so liberally made in furtherance of the interests of religion, and in support of the splendor of the Crown.

"I am fully sensible of the advantages which may be expected to arise from the relief you have afforded to some of the most important branches of the national industry.

"My Lords and Gentlemen,

"I have the greatest satisfaction in repeating to you my congratulations upon the general and increasing prosperity of the country.

"I am persuaded that you will carry with you into your respective counties the same spirit of harmony which has distinguished your deliberations during the present session; and that you will cultivate among all classes of my subjects those

feelings of content and attachment to the Constitution, upon the continuance and diffusion of which, under Providence, mainly depends, not only individual happiness, but the high station which this

kingdom holds among the nations of the world."

After which, the Lord-Chancellor by his Majesty's command, prorogued the parliament to the 24th of August.

A P P E N D I X.

FINANCE ACCOUNTS, FOR THE YEAR ENDED 5TH JANUARY, 1824.

CLASS.

- I. - - - PUBLIC INCOME.
- II. - - - PUBLIC EXPENDITURE.
- III. - - - CONSOLIDATED FUND.
- IV. - - - PUBLIC FUNDED DEBT.
- V. - - - UNFUNDED DEBT.
- VI. - - - DISPOSITION OF GRANTS.
- VII. - - - ARREARS AND BALANCES.
- VIII. - - - TRADE AND NAVIGATION.

No. I.—An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES,
IRELAND, for the Year

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties of the Nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	15,504,869	2	3 $\frac{1}{2}$	1,547,873	11	4 $\frac{1}{2}$	13,956,995	10	11 $\frac{1}{2}$
Excise	29,308,986	17	3 $\frac{1}{4}$	2,370,603	8	11 $\frac{1}{2}$	26,938,383	8	4
Stamps	7,216,373	3	10 $\frac{3}{4}$	232,242	10	10 $\frac{1}{4}$	6,984,130	13	0 $\frac{1}{2}$
Taxes, under the Management of the Commis- sioners of Taxes	6,595,820	2	5 $\frac{3}{4}$	8,485	5	4 $\frac{1}{4}$	6,587,334	17	1 $\frac{1}{2}$
Post Office	2,154,294	17	11 $\frac{3}{4}$	82,791	17	7 $\frac{1}{4}$	2,071,503	0	4
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	63,243	14	2 $\frac{1}{2}$	-	-	-	63,243	14	2 $\frac{1}{2}$
Hackney Coaches, and Hawkers and Pedlars ..	64,593	14	1	-	-	-	64,593	14	1
Crown Lands	312,336	11	9 $\frac{1}{4}$	-	-	-	312,336	11	9 $\frac{1}{4}$
Small Branches of the King's Hereditary Re- venue.....	7,283	15	4	-	-	-	7,283	15	4
Lottery; Surplus produce after Payment of Prizes.....	27,400	0	0	-	-	-	27,400	0	0
Surplus Fees of Regulated Public Offices	39,718	17	4	-	-	-	39,718	17	4
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees.....	10,208	13	0 $\frac{3}{4}$	-	-	-	10,208	13	0 $\frac{3}{4}$
TOTALS of Ordinary Revenues	61,305,129	9	8 $\frac{3}{4}$	4,241,996	14	2	57,063,132	15	6 $\frac{3}{4}$
Other Resources.									
Amount of Saving on the Third Class of the Civil List	11,018	19	2 $\frac{1}{2}$	-	-	-	11,018	19	2 $\frac{1}{2}$
Money brought from the Civil List on account of the Clerk of the Hanaper	7,218	2	7 $\frac{3}{4}$	-	-	-	7,218	2	7 $\frac{3}{4}$
Money received in repayment of the Loan raised for the service of the Emperor of Germany, per Acts 35 and 37 Geo. 3	766,666	13	4	-	-	-	766,666	13	4
Money received from the East India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East In- dies, per Act 4 Geo. 4, c. 71	90,000	0	0	-	-	-	90,000	0	0
From the Commissioners for the Issue of Ex- chequer Bills, per Act 57 Geo. 3, c. 34, for the Employment of the Poor	116,733	15	5	-	-	-	116,733	15	5
Money received from the Trustees of Naval and Military Pensions, after deducting 175,000 <i>l.</i> included in the remains in the Exchequer, on the 5th January 1823	4,675,000	0	0	-	-	-	4,675,000	0	0
Money received from the Bank of England, to pay Interest on 1,050,000 <i>l.</i> advanced in Ex- chequer Bills to the Trustees of Naval and Military Pensions	10,719	0	0	-	-	-	10,719	0	0
From several County Treasurers, and others in Ireland, on account of Advances made by the Treasury, for improving Post Roads, for build- ing Gaols, for the Police, for Public Works, employment of the Poor, &c.....	114,982	5	6 $\frac{1}{4}$	-	-	-	114,982	5	6 $\frac{1}{4}$
Imprest Monies, repaid by sundry Public Ac- countants, and other Monies paid to the Public	379,047	6	10 $\frac{1}{4}$	-	-	-	379,047	6	10 $\frac{1}{4}$
TOTALS, exclusive of Loans	67,476,515	12	8 $\frac{1}{2}$	4,241,996	14	2	63,234,518	18	6 $\frac{1}{2}$
Loans	2,400,000	0	0	-	-	-	2,400,000	0	0
TOTALS of the Public Income of the United Kingdom, including Loans	69,876,515	12	8 $\frac{1}{2}$	4,241,996	14	2	65,634,518	18	6 $\frac{1}{2}$

CLASS 1.—PUBLIC INCOME.

[iii]

constituting the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN and IRELAND 5th January, 1824.

TOTAL INCOME, including BALANCES standing 5th Jan. 1823.	Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1824.	TOTAL DISCHARGE of the INCOME.	Rate per cent. for which the Gross Receipt was collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
14,264,252 10 7 $\frac{3}{4}$	2,396,601 1 7	11,498,762 12 10 $\frac{1}{4}$	368,888 16 2 $\frac{1}{2}$	14,264,252 10 7 $\frac{3}{4}$	10 2 3
28,620,941 8 1 $\frac{1}{2}$	1,839,915 12 9 $\frac{1}{2}$	25,342,828 1 10 $\frac{1}{4}$	1,438,197 13 5 $\frac{3}{4}$	28,620,941 8 1 $\frac{1}{2}$	4 11 3
7,461,453 18 3 $\frac{1}{4}$	198,534 5 9 $\frac{1}{4}$	6,801,950 0 4 $\frac{3}{4}$	460,969 12 1 $\frac{1}{4}$	7,461,453 18 3 $\frac{1}{4}$	2 15 0
6,863,944 4 5 $\frac{1}{4}$	409,563 16 5 $\frac{1}{2}$	6,206,927 8 9 $\frac{1}{4}$	247,452 19 3	6,863,944 4 5 $\frac{1}{4}$	5 12 9
2,292,358 19 4 $\frac{1}{4}$	615,981 6 11 $\frac{3}{4}$	1,462,692 6 2	213,685 6 2 $\frac{1}{2}$	2,292,358 19 4 $\frac{1}{4}$	26 8 4
66,478 11 7 $\frac{3}{4}$	1,554 4 10	61,358 7 3 $\frac{3}{4}$	3,565 19 6	66,478 11 7 $\frac{3}{4}$	2 9 2
64,695 1 11	10,800 9 1	53,880 0 0	14 12 10	64,695 1 11	16 14 5
341,256 5 6 $\frac{1}{2}$	263,580 15 5	966 13 4	76,708 16 9 $\frac{1}{2}$	341,256 5 6 $\frac{1}{2}$	14 5 3
10,312 17 7 $\frac{1}{4}$	3,470 11 9	4,274 4 11	2,568 0 11 $\frac{1}{4}$	10,312 17 7 $\frac{1}{4}$	20 3 11
27,400 0 0	2,590 17 0	24,809 3 0	- - -	27,400 0 0	7 6 0
39,718 17 4	- - -	39,718 17 4	- - -	39,718 17 4	- - -
10,208 13 0 $\frac{3}{4}$	- - -	10,208 13 0 $\frac{3}{4}$	- - -	10,208 13 0 $\frac{3}{4}$	- - -
60,063,021 7 11 $\frac{3}{4}$	5,742,593 1 8	51,508,376 9 0	2,812,051 17 3 $\frac{3}{4}$	60,063,021 7 11 $\frac{3}{4}$	6 13 11
11,018 19 2 $\frac{1}{2}$	- - -	11,018 19 2 $\frac{1}{2}$	- - -	11,018 19 2 $\frac{1}{2}$	- - -
7,218 2 7 $\frac{3}{4}$	- - -	7,218 2 7 $\frac{3}{4}$	- - -	7,218 2 7 $\frac{3}{4}$	- - -
766,666 13 4	- - -	766,666 13 4	- - -	766,666 13 4	- - -
90,000 0 0	- - -	90,000 0 0	- - -	90,000 0 0	- - -
116,733 15 5	- - -	116,733 15 5	- - -	116,733 15 5	- - -
4,675,000 0 0	- - -	4,675,000 0 0	- - -	4,675,000 0 0	- - -
10,719 0 0	- - -	10,719 0 0	- - -	10,719 0 0	- - -
117,351 7 1 $\frac{1}{2}$	- - -	108,219 1 11 $\frac{1}{4}$	9,132 5 2 $\frac{1}{4}$	117,351 7 1 $\frac{1}{2}$	- - -
379,047 6 10 $\frac{1}{4}$	- - -	379,047 6 10 $\frac{1}{4}$	- - -	379,047 6 10 $\frac{1}{4}$	- - -
66,236,776 12 6 $\frac{3}{4}$	5,742,593 1 8	57,672,999 8 4 $\frac{3}{4}$	2,821,184 2 6	66,236,776 12 6 $\frac{3}{4}$	- - -
2,400,000 0 0	- - -	2,400,000 0 0	- - -	2,400,000 0 0	- - -
68,636,776 12 6 $\frac{3}{4}$	5,742,593 1 8	60,072,999 8 4 $\frac{3}{4}$	2,821,184 2 6	68,636,776 12 6 $\frac{3}{4}$	- - -

No. II.—An Account of the ORDINARY REVENUES and EXTRAORDINARY
the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties of the nature of Drawbacks.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	13,586,413	10	1½	1,327,708	11	7½	12,258,704	18	6¼
Excise	27,568,026	11	0	2,325,486	0	1½	25,242,540	10	10¾
Stamps	6,720,932	0	2½	223,694	9	9½	6,497,237	10	5
Taxes, under the Management of the Commis- sioners of Taxes	6,541,296	1	3½	6,568	18	7½	6,534,727	2	7¾
Post Office	1,965,468	11	3½	64,713	12	3½	1,900,754	19	0¼
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	63,243	14	2½	-	-	-	63,243	14	2½
Hackney Coaches, and Hawkers and Pedlars ..	64,593	14	1	-	-	-	64,593	14	1
Crown Lands	312,336	11	9½	-	-	-	312,336	11	9½
Small Branches of the King's Hereditary Re- venue	7,283	15	4	-	-	-	7,283	15	4
Lottery, Surplus Produce after Payment of Prizes	27,400	0	0	-	-	-	27,400	0	0
Surplus Fees of Regulated Public Offices	39,718	17	4	-	-	-	39,718	17	4
TOTALS of Ordinary Revenues	56,896,713	6	8½	3,948,171	12	5½	52,948,541	14	2¾
Other Resources.									
Amount of Saving on the Third Class of the Civil List	11,018	19	2½	-	-	-	11,018	19	2½
Money brought from the Civil List, on Account of the Clerk of the Hanaper	7,218	2	7½	-	-	-	7,218	2	7½
Money received in repayment of the Loan raised for the Service of the Emperor of Germany, per Act 35 & 37 Geo. 3.	766,666	13	4	-	-	-	766,666	13	4
Money received from the East India Company on Account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	90,000	0	0	-	-	-	90,000	0	0
From the Commissioners for the Issue of Exche- quer Bills, per Act 57 Geo. 3, c. 34, for the Employment of the Poor	116,733	15	5	-	-	-	116,733	15	5
Money received from the Trustees of Naval and Military Pensions, &c. after deducting 175,000 <i>l.</i> included in the remains in the Exchequer, on 5th January 1823	4,675,000	0	0	-	-	-	4,675,000	0	0
Money received from the Bank of England to pay Interest on 1,050,000 <i>l.</i> advanced in Ex- chequer Bills to the Trustees of Naval and Military Pensions	10,719	0	0	-	-	-	10,719	0	0
Imprest Monies repaid by sundry Public Ac- countants, and other Monies paid to the Public	310,110	4	7½	-	-	-	310,110	4	7½
TOTALS, exclusive of Loans	62,884,180	1	11	3,948,171	12	5½	58,936,008	9	5¼
Loans	2,250,000	0	0	-	-	-	2,250,000	0	0
TOTALS of the Public Income of Great Britain, including Loans	65,134,180	1	11	3,948,171	12	5½	61,186,008	9	5¼

Whitehall, Treasury Chambers, }
11th March, 1824. }

CLASS L.—PUBLIC INCOME.

[v

RESOURCES, constituting the PUBLIC INCOME of GREAT BRITAIN, for
th January, 1824.

TOTAL INCOME, including BALANCES standing 5th Jan. 1823.	Charges of Collection and other Payments out of the Income, in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1824.	TOTAL DISCHARGE of the INCOME.	Rate per cent. for which the Gross Receipt was collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
12,524,446 6 11½	1,777,431 12 7	10,406,437 19 9½	340,576 14 7½	12,524,446 6 11½	8 3 4
26,851,015 16 8½	1,539,488 3 4¾	23,956,467 10 3½	1,355,060 3 0½	26,851,015 16 8½	4 0 0
6,857,008 3 9¼	159,520 2 0	6,362,620 5 3	334,867 16 6½	6,857,008 3 9¼	2 7 6
6,805,080 14 11½	369,331 15 11½	6,188,871 4 1¾	246,877 14 10¼	6,805,080 14 11½	5 1 4
2,075,628 17 10	520,320 3 9¼	1,387,000 0 0	168,308 14 0	2,075,628 17 10	24 1 9
66,478 11 7¾	1,554 4 10	61,358 7 3¾	3,565 19 6	66,478 11 7¾	2 9 2
64,695 1 11	10,800 9 1	53,880 0 0	14 12 10	64,695 1 11	16 14 5
341,256 5 6½	263,580 15 5	966 13 4	76,708 16 9½	341,256 5 6½	14 5 3
10,312 17 7¼	3,470 11 9	4,274 4 11	2,568 0 11¼	10,312 17 7¼	20 3 11
27,400 0 0	2,590 17 0	24,809 3 0	- - -	27,400 0 0	7 6 0
39,718 17 4	- - -	39,718 17 4	- - -	39,718 17 4	- - -
5,663,041 14 4	4,648,088 15 10¼	48,486,404 5 4¼	2,528,548 13 1	55,663,041 14 4	5 13 9
11,018 19 2½	- - -	11,018 19 2½	- - -	11,018 19 2½	-
7,218 2 7¾	- - -	7,218 2 7¾	- - -	7,218 2 7¾	-
766,666 13 4	- - -	766,666 13 4	- - -	766,666 13 4	-
90,000 0 0	- - -	90,000 0 0	- - -	90,000 0 0	-
116,733 15 5	- - -	116,733 15 5	- - -	116,733 15 5	-
4,675,000 0 0	- - -	4,675,000 0 0	- - -	4,675,000 0 0	-
10,719 0 0	- - -	10,719 0 0	- - -	10,719 0 0	-
310,110 4 7½	- - -	310,110 4 7½	- - -	310,110 4 7½	-
61,650,508 9 6	4,648,088 15 10¼	54,473,871 0 6¾	2,528,548 13 1	61,650,508 9 6	-
2,250,000 0 0	- - -	2,250,000 0 0	- - -	2,250,000 0 0	-
63,900,508 9 6	4,648,088 15 10¼	56,723,871 0 6¾	2,528,548 13 1	63,900,508 9 6	-

No. III.—An Account of the ORDINARY REVENUES and EXTRAORDINARY
ended 5th

HEADS OF REVENUE.	GROSS RECEIPT.	Repayments, Drawbacks, Discounts, &c.	NET RECEIPT within the Year, after deducting REPAYMENTS, &c.
	£. s. d.	£. s. d.	£. s. d.
Ordinary Revenues.			
Customs	1,918,455 12 2	220,164 19 9	1,698,290 12 5
Excise	1,740,960 6 3 ³ / ₈	45,117 8 10	1,695,842 17 5 ³ / ₈
Stamps	495,441 3 8	8,548 1 0 ¹ / ₂	486,893 2 7 ¹ / ₂
Taxes	54,524 1 2 ¹ / ₄	1,916 6 8 ¹ / ₂	52,607 14 5 ³ / ₈
Post Office	188,826 6 8	18,078 5 4 ¹ / ₂	170,748 1 3 ³ / ₈
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	10,208 13 0 ¹ / ₄	- - -	10,208 13 0 ¹ / ₄
TOTAL of Ordinary Revenues	4,408,416 3 0³/₈	293,825 1 8¹/₂	4,114,591 1 4¹/₈
 Other Resources.			
From the Provost and Fellows of Trinity Col- lege, on account of Advances made by the Treasury for completing the North Square of the said College, per Act 54 Geo. 3, c. 167 ..	1,107 13 10 ¹ / ₂	- - -	1,107 13 10 ¹ / ₂
On Account of Advances made by the Treasury for improving Post Roads in Ireland, under Act 45 Geo. 3, c. 43 ..	19,576 6 7 ¹ / ₄	- - -	19,576 6 7 ¹ / ₄
On Account of Advances made by the Treasury for building Gaols, under Act 50 Geo. 3, c. 103	24,101 4 3	- - -	24,101 4 3
On Account of Advances made by the Treasury, for Police in proclaimed Dis- tricts, under Acts 54 Geo. 3, c. 131, and 3 Geo. 4, c. 103	60,472 12 8	- - -	60,472 12 8
On Account of Advances made by the Treasury for Public Works and Em- ployment of the Poor, under Acts 57 Geo. 3, c. 34 & 124, and 3 Geo. 4, c. 112	9,724 8 1 ³ / ₄	- - -	9,724 8 1 ³ / ₄
Imprest Monies repaid by sundry Public Ac- countants, and other Monies paid to the Public	68,937 2 3	- - -	68,937 2 3
TOTALS, exclusive of Loans	4,592,335 10 9¹/₈	293,825 1 8¹/₂	4,298,510 9 1¹/₈
Loans	150,000 0 0	- - -	150,000 0 0
TOTALS of the Public Income of Ireland, including Loans	4,742,335 10 9¹/₈	293,825 1 8¹/₂	4,448,510 9 1³/₈

CLASS I.—PUBLIC INCOME.

[vii.]

SOURCES, constituting the PUBLIC INCOME of IRELAND, for the Year ending 5th Jan. 1824.

TOTAL INCOME, including BALANCES outstanding 5th Jan. 1823.	Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1824.	TOTAL DISCHARGE of the INCOME.	Rate per cent. for which the Gross Receipt was collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
89,806 3 8 $\frac{1}{4}$	619,169 9 0	1,092,324 13 1	28,312 1 7 $\frac{1}{4}$	1,739,806 3 8 $\frac{1}{4}$	23 17 9
89,925 11 4 $\frac{3}{8}$	300,427 9 4 $\frac{3}{4}$	1,386,360 11 6 $\frac{3}{4}$	83,137 10 5 $\frac{3}{8}$	1,769,925 11 4 $\frac{1}{2}$	13 10 0
94,445 14 6	39,014 3 9 $\frac{1}{4}$	439,329 15 1 $\frac{3}{4}$	126,101 15 7	604,445 14 6 $\frac{3}{8}$	7 17 6
58,863 9 6	40,232 0 5 $\frac{3}{4}$	18,056 4 7 $\frac{1}{2}$	575 4 4 $\frac{1}{4}$	58,863 9 6	73 15 9
16,730 1 6	95,661 3 2	75,692 6 2	45,376 12 2	216,730 1 6	50 13 3
10,208 13 0 $\frac{3}{4}$	- - -	10,208 13 0 $\frac{3}{4}$	- - -	10,208 13 0 $\frac{3}{4}$	—
99,979 13 7 $\frac{1}{8}$	1,094,504 5 9 $\frac{3}{4}$	3,021,972 3 7 $\frac{3}{4}$	283,503 4 2 $\frac{7}{8}$	4,399,979 13 7 $\frac{3}{8}$	19 13 10
1,107 13 10 $\frac{1}{4}$	- - -	1,107 13 10 $\frac{1}{4}$	- - -	1,107 13 10 $\frac{1}{4}$	—
19,576 6 7 $\frac{1}{4}$	- - -	19,576 6 7 $\frac{1}{4}$	- - -	19,576 6 7 $\frac{1}{4}$	—
26,470 5 10 $\frac{1}{4}$	- - -	18,697 15 2 $\frac{3}{4}$	7,772 10 7 $\frac{1}{2}$	26,470 5 10 $\frac{1}{4}$	—
60,472 12 8	- - -	59,112 18 1 $\frac{1}{4}$	1,359 14 6 $\frac{3}{4}$	60,472 12 8	—
9,724 8 1 $\frac{3}{4}$	- - -	9,724 8 1 $\frac{3}{4}$	- - -	9,724 8 1 $\frac{3}{4}$	—
68,937 2 3	- - -	68,937 2 3	- - -	68,937 2 3	—
36,268 3 0 $\frac{7}{8}$	1,094,504 5 9 $\frac{3}{4}$	3,199,128 7 10	292,635 9 4 $\frac{1}{8}$	4,586,268 3 0 $\frac{3}{8}$	—
150,000 0 0	- - -	150,000 0 0	- - -	150,000 0 0	—
36,268 3 0 $\frac{7}{8}$	1,094,504 5 9 $\frac{3}{4}$	3,349,128 7 10	292,635 9 4 $\frac{1}{8}$	4,736,268 3 0 $\frac{3}{8}$	—

FINANCE ACCOUNTS:

No. I.—AN ACCOUNT of the TOTAL INCOME of the REVENUE of GREAT BRITAIN, Repayments, Allowances, Discounts, Drawbacks, and Bounties of the nature of the DEDUCTION of the United Kingdom, exclusive of the Sums applied to the Service of the Navy and Army.

HEADS OF REVENUE,		NETT RECEIPT, as stated in Account of Public Income.			—		
ORDINARY REVENUES.		£.	s.	d.	£.	s.	d.
Balances and Bills Outstanding on the 5th January 1823	....	13,956,995	10	11½	2,999,888	12	5
Customs	.....	26,938,383	8	4			
Excise	.....	6,984,130	13	0½			
Stamps	.....	6,587,334	17	1½			
Taxes	.....	2,071,503	0	4			
Post Office	.....						
One Shilling and Sixpenny Duty on Pensions and Salaries, and							
Four Shillings in the Pound on Pensions	.....	63,243	14	2½			
Hackney Coaches, and Hawkers and Pedlars	.....	64,593	14	1			
Crown Lands	.....	312,336	11	9½			
Small Branches of the King's Hereditary Revenue	.....	7,283	15	4			
Surplus Produce of Lottery, after Payment of Lottery Prizes, &c.	.....	27,400	0	0			
Surplus Fees of regulated Public Offices	.....	39,718	17	4			
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and							
Hospital Fees	.....	10,208	13	0½	57,063,132	15	6½
					60,063,021	7	11½
Deduct Balances and Bills outstanding on 5th January, 1824..	- - -				2,812,051	17	3½
TOTAL Ordinary Revenues	....	- - -			57,250,969	10	8½
OTHER RESOURCES.							
Balances outstanding on the 5th January, 1823	.....	2,369	1	7½			
The Amount of Savings on the 3rd Class of the Civil List	....	11,018	19	2½			
Money brought from Civil List, on account of the Clerk of the							
Hanaper	.....	7,218	2	7½			
Money received in repayment of the Loan raised for the service of the Emperor of Germany, per Acts 35 & 37 Geo. 3..		766,666	13	4			
By the East India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces, serving in the East Indies, per Act 4 Geo. 4, c. 71	.....	90,000	0	0			
By the Trustees of Military and Naval Pensions, after deducting 175,000 <i>l.</i> , included in the remains in the Exchequer, on the 5th January, 1823	.....	4,675,000	0	0			
By the Bank of England, to pay Interest on 1,050,000 <i>l.</i> , advanced in Exchequer Bills to the Trustees of Military and Naval Pensions	.....	10,719	0	0			
By the Commissioners for issuing Exchequer Bills for Public Works	.....	116,733	15	5			
Money repaid in Ireland, on account of Advances from the Consolidated Fund, under various Acts, for Public Improvements	.....	114,982	5	6½			
Imprest and other Monies paid into the Exchequer	.....	379,047	6	10½			
		6,173,755	4	7			
Deduct Balances outstanding on 5th January, 1824....		9,132	5	2½	6,164,622	19	4½
					63,415,592	10	0½
Balances, &c. in the hands of Receivers, &c. on 5th Jan. 1823	.....				2,999,888	12	5
Ditto	Ditto				2,369	1	7½
					3,002,257	14	0½
Ditto	5th January, 1824..	2,812,051	17	3½			
Ditto	Ditto	9,132	5	2½	2,821,184	2	6
Balances less in 1824 than in 1823	.....				181,073	11	6½
Surplus Income paid into the Exchequer, over Expenditure issued thereout	....				6,710,984	10	5½
Actual Excess of Income over Expenditure	.....				6,529,910	18	11½

CLASS II.—PUBLIC EXPENDITURE.

[ix

AIN and IRELAND, in the Year ended 5th January, 1824, after deducting the of Drawbacks; together with an Account of the PUBLIC EXPEN-
plied to the Reduction of the National Debt within the same period.

EXPENDITURE.

PAYMENTS OUT OF THE INCOME

in its progress to the Exchequer :

	£.	s.	d.	£.	s.	d.
Charges of Collection	4,105,182	7	1 $\frac{1}{2}$			
Other Payments	1,637,410	14	6 $\frac{3}{4}$			
Total Payments out of the Income, prior to the Payments into the Exchequer				5,742,593	1	8

PAYMENTS OUT OF THE EXCHEQUER.

Dividends, Interest, and Management of the Public Funded Debt, four Quarters to 10th October 1823, exclusive of 7,407,325 <i>l.</i> Os. 10 <i>d.</i> issued to the Commissioners for the Reduction of the National Debt	28,084,784	12	10			
Interest on Exchequer Bills and Irish Treasury Bills, exclusive of 75,000 <i>l.</i> Sinking Fund	1,131,121	19	7			
Issued to the Trustees of Military and Naval Pensions, &c. per Act 2 Geo. 4, c. 51	2,507,130	0	0			
Ditto - - Bank of England, per Act 4 Geo. 4, c. 22	292,870	0	0			
Civil List - - - four Quarters to 5th January 1824 ..	1,057,000	0	0			
Pensions charged by Act of Parliament on Consolidated Fund, four Quarters to 10th October 1823	377,776	2	4			
Salaries and allowances	70,873	18	6			
Officers of Courts of Justice	97,459	6	6			
Expenses of the Mint	14,746	10	8			
Bounties	2,956	13	8			
Miscellaneous	214,735	11	9			
Ditto - Ireland	305,257	17	8			
Army	7,351,991	16	1 $\frac{3}{4}$			
Navy	5,458,151	2	2			
Navy Treasurer of Greenwich Hospital, to pay Out-Pensioners	155,000	0	0			
Ordnance	1,364,328	5	7 $\frac{1}{2}$			
Miscellaneous	1,953,366	2	10			
Money paid to the Bank of England, more than received from them, on account of Unclaimed Dividends	52,720	6	11			
By the Commissioners for issuing Exchequer Bills, per Act 57 Geo. 3, c. 34 & 124, for employment of the Poor	165,200	0	0			
Advances out of the Consolidated Fund in Ireland, for Public Works	304,544	10	9			
				522,464	17	8
TOTAL				56,704,607	19	7 $\frac{1}{2}$
Surplus of Income paid into the Exchequer, over Expenditure issued thereout				6,710,984	10	5 $\frac{1}{2}$
				63,415,592	10	0 $\frac{3}{4}$

Whitehall, Treasury Chambers,
16th March, 1824.

J. C. HERRIES.

No. II.—An Account of the Nett PUBLIC INCOME of the United Kingdom of
the Expenditure thereout, defrayed by the several Revenue Depart-
exclusive of the Sums applied to the Redemption

INCOME.	Applicable to the Consolidated Fund			Applicable to other Public Services.			Income paid into the Exchequer.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	8,797,067	13	3 $\frac{1}{4}$	2,701,694	19	7	11,498,762	12	10 $\frac{1}{4}$
Excise	24,533,021	1	10 $\frac{1}{4}$	809,807	0	0	25,342,828	1	10 $\frac{1}{4}$
Stamps	6,801,950	0	4 $\frac{3}{4}$	-	-	-	6,801,950	0	4 $\frac{3}{4}$
Taxes under the management of the Commissioners of Taxes, including Arrears of Property Tax	6,202,990	18	6 $\frac{3}{4}$	3,936	10	2 $\frac{1}{2}$	6,206,928	8	9 $\frac{1}{4}$
Post Office	1,462,692	6	1 $\frac{3}{4}$	-	-	-	1,462,692	6	1 $\frac{3}{4}$
One Shilling and Sixpence Duty on Pensions and Salaries; and Four Shillings in the Pound on Pensions	61,358	7	3 $\frac{3}{4}$	-	-	-	61,358	7	3 $\frac{3}{4}$
Hackney Coaches, and Hawkers and Pedlars	53,880	0	0	-	-	-	53,880	0	0
Crown Lands	966	13	4	-	-	-	966	13	4
Small Branches of the King's Hereditary Revenue	4,274	4	11	-	-	-	4,274	4	11
Surplus Produce of Lottery, after Payment of Lottery Prizes	-	-	-	24,809	3	0	24,809	3	0
Surplus Fees, regulated Public Offices....	39,718	17	4	-	-	-	39,718	17	4
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	10,208	13	0 $\frac{1}{4}$	-	-	-	10,208	13	0 $\frac{1}{4}$
TOTAL Ordinary Revenue.....	-	-	-	-	-	-	51,508,376	8	11 $\frac{3}{4}$
The Amount of Savings on Third Class of the Civil List	11,018	19	2 $\frac{1}{2}$	-	-	-	11,018	19	2 $\frac{1}{2}$
Money brought from Civil List, on account of the Clerk of the Hanaper	7,218	2	7 $\frac{1}{4}$	-	-	-	7,218	2	7 $\frac{1}{4}$
Money received in repayment of the Loan raised for the Service of the Emperor of Germany, per Acts 35 and 37 Geo. 3 ..	766,666	13	4	-	-	-	766,666	13	4
By the East India Company, on account of retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	-	-	-	90,000	0	0	90,000	0	0
By the Trustees of Military and Naval Pensions, &c. after deducting 175,000 <i>l.</i> included in the remains in the Exchequer, on the 5th of January, 1823.....	-	-	-	4,675,000	0	0	4,675,000	0	0
By the Bank of England, to pay Interest on 1,050,000 <i>l.</i> , advanced in Exchequer Bills to the Trustees of Military and Naval Pensions, &c.	-	-	-	10,719	0	0	10,719	0	0
By the Commissioners for issuing Exchequer Bills for Public Works	-	-	-	116,733	15	5	116,733	15	5
Money repaid in Ireland, on account of advances from the Consolidated Fund, under various Acts for Public Improvements	108,219	1	11 $\frac{1}{4}$	-	-	-	108,219	1	11 $\frac{1}{4}$
Imprest and other Monies paid into the Exchequer	319,084	18	10 $\frac{1}{4}$	59,962	8	0	379,047	6	10 $\frac{1}{4}$
TOTAL paid into the Exchequer	49,180,336	12	2	8,492,662	16	2 $\frac{1}{2}$	57,672,999	8	4 $\frac{1}{2}$

CLASS II.—PUBLIC EXPENDITURE.

[xi

GREAT BRITAIN and IRELAND, in the Year ended 5th January, 1824, after abating
ments, and of the Actual Issues or Payments within the same period,
of Funded Debt, or for paying off Unfunded Debt.

EXPENDITURE.			Nett Expenditure.		
	£.	s. d.	£.	s. d.	
Dividends, Interest, and Management of the Public Funded Debt, four quarters to 10th October 1823, exclusive of 7,407,325 <i>l.</i> 0 <i>s.</i> 10 <i>d.</i> issued to the Commissioners for the Reduction of the National Debt	28,084,784	12 10			
Interest on Exchequer Bills and Irish Treasury Bills, exclusive of 75,000 <i>l.</i> Sinking Fund	1,131,121	19 7			
			29,215,906	12 5	
Issued to the Trustees of Military and Naval Pensions, &c. per Act 3 Geo. 4, c. 51....	2,507,130	0 0			
Ditto - - Bank of England - - - 4 Geo. 4, c. 22....	292,870	0 0			
			2,800,000	0 0	
Civil List, four quarters to 5th January 1824	1,057,000	0 0			
Pensions charged by Act of Parliament, upon Consolidated Fund, four quarters to 10th Oct. 1823 ..	377,776	2 4			
Salaries and Allowances - - - Ditto	70,873	18 6			
Officers of Courts of Justice - - - Ditto	97,459	6 6			
Expenses of the Mint - - - Ditto	14,746	10 8			
Bounties - - - - - Ditto	2,956	13 8			
Miscellaneous - - - - - Ditto	214,735	11 9			
Ditto - Ireland - - - - - Ditto	305,257	17 8			
			2,140,806	1 1	
Army	7,351,991	16 1½			
Navy	5,458,151	2 2			
Navy Treasurer of Greenwich Hospital to pay Out-Pensioners	155,000	0 0			
Ordnance	1,364,328	5 7½			
Miscellaneous	1,953,366	2 10			
			16,282,837	6 9¼	
TOTAL	-	-	50,439,550	0 3¼	
Money paid to the Bank of England more than received from them on account of Unclaimed Dividends	52,720	6 11			
By the Commissioners for issuing Exchequer Bills, per Act 57 Geo. 3, c. 34 & 124, for employment of the Poor	165,200	0 0			
Advances out of the Consolidated Fund in Ireland, for Public Works	304,544	10 9			
			522,464	17 8	
TOTAL			50,962,014	17 11¼	
Surplus of Income paid into the Exchequer over Expenditure thereout			6,710,984	10 5¼	
			57,672,999	8 4½	

No. III.—An Account of the BALANCE of PUBLIC MONEY remaining in the
to the FUNDED or UNFUNDED DEBT, in the Year ended 5th January,
or for paying off the Unfunded Debt, within the same period; and

	£.	s.	d.	£.	s.	d.
Balances in the Exchequer on 5th January, 1823.....	7,797,020	4	9			
Do. - to the account of the Trustees of Military and Naval Pensions, towards Payments becoming due from them on 15th January, 1823.....	175,000	0	0	7,972,020	4	9
MONEY RAISED						
In the Year ended 5th January, 1824, by the creation of Funded or Unfunded Debt.						
FUNDED DEBT:						
Contributions to Loan, per Act 3 Geo. 4, c. 73	2,250,000	0	0			
Do. - - Ireland - - - Do...	150,000	0	0	2,400,000	0	0
UNFUNDED DEBT:						
Exchequer Bills issued per Act 3 Geo. 4, c. 122.	6,492,900	0	0			
Do. - - - - - 4 - - - 4	20,000,000	0	0			
Do. - - - - - - - 100	7,633,600	0	0			
Do. Public Works, - 57 Geo. 3, c. 34 & 124	63,550	0	0			
Do. - Do. - - - 3 Geo. 4, c. 86	101,650	0	0			
Do. - Do. - - - 58 Geo. 3, c. 45	202,900	0	0	34,494,600	0	0
TOTAL				36,894,600	0	0
Surplus of Income paid into the Exchequer, over Expenditure thereout				6,710,984	10	5½
				51,577,604	15	2½

Whitehall, Treasury Chambers, }
16th March 1824.

EXCHEQUER on the 5th January, 1823; the amount of Money raised by additions 1824; the Money applied towards the Redemption of the Funded, the Money remaining in the Exchequer on the 5th January, 1824.

		£.	s.	d.
APPLIED BY				
The Commissioners for the Reduction of the National Debt, in the Redemption of Funded Debt.				
Sinking Fund Interest on Redeemed		£.	s.	d.
Funded Debt	7,407,325	0	10	
Unfunded Debt	75,000	0	0	
Applied towards the Redemption of Funded Debt.....	7,482,325	0	10	
UNFUNDED DEBT				
Issued to the Paymasters of Exchequer Bills to pay off Unfunded Debt	34,674,000	0	0	
	42,156,325	0	10	
Balances in the Exchequer at 5th January 1824	9,421,279	14	4 $\frac{1}{4}$	
	51,577,604	15	2 $\frac{1}{4}$	

No. I.—An Account of the INCOME of the CONSOLIDATED FUND arising in the
1824; and also of the Actual Payments on account

	£.	s.	d.
The Total Income applicable to the Consolidated Fund	49,180,336	12	2
	49,180,336 12 2		

Whitehall Treasury Chambers, 16th March, 1824.

No. II.—An Account of the MONEY applicable to the Payment of the CHARGE of the
1824, and of the several CHARGES which have become due thereon,
charged upon the said Fund, at the commence-

	£.	s.	d.
Income arising in Great Britain	45,981,208	4	4½
Income arising in Ireland	3,199,128	7	9½
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1823	89,628	17	5½
	3,288,757	5	3
Deduct the Sum paid out of the Consolidated Fund, to- wards the Supplies, in the Quarter ended 5th January 1824	283,342	2	6½
	3,005,415	2	8½
Total Sum applicable to the Charge of the Consolidated Fund, in the Year ended 5th January 1824	48,986,623	7	0½
Exchequer Bills to be issued to complete the payment of the Charge, to 5th Jan. 1824	1,541,928	11	1½
	50,528,551	18	2

Whitehall, Treasury Chambers, 16th March 1824.

CLASS III.—CONSOLIDATED FUND.

[xv

United Kingdom of GREAT BRITAIN and IRELAND, in the Year ended 5th January, of the CONSOLIDATED FUND within the same period.

HEADS OF PAYMENT.		£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 10th October, 1823		35,492,109	13	8
Sinking Fund, Irish Treasury Bills		2,500	0	0
Interest on Exchequer Bills issued upon the Credit of the Consolidated Fund....		19,901	0	0
Trustees for Naval and Military Pensions, per Act 3 Geo. 4, c. 51		2,507,130	0	0
Bank of England - - - - - per Act 4 Geo. 4, c. 22		292,870	0	0
Civil List, 4 Quarters to 5th January, 1824.....		1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 10th October, 1823.....		377,776	2	4
Salaries and Allowances - - - - - do. - - - - -		70,873	18	6
Officers of Courts of Justice - - - - - do. - - - - -		97,459	6	6
Expenses of the Mint - - - - - do. - - - - -		14,746	10	8
Bounties - - - - - do. - - - - -		2,956	13	8
Miscellaneous - - - - - do. - - - - -		214,735	11	9
Do. - - - Ireland - - - - - do. - - - - -		305,257	17	8
Advances out of the Consolidated Fund in Ireland, for Public Works		304,544	10	9
		40,759,861	5	6
SURPLUS of the CONSOLIDATED FUND		8,420,475	6	8
		49,180,336	12	2

J. C. HERRIES.

CONSOLIDATED FUND of the United Kingdom, in the Year ended 5th January, in the same Year, including the Amount of EXCHEQUER BILLS ment and at the termination of the Year.

HEADS OF CHARGE.		£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 5th January, 1824		33,104,108	7	2 $\frac{3}{4}$
Interest on Exchequer Bills issued upon the Credit of the Consolidated Fund....		13,722	15	0
Trustees for Naval and Military Pensions, per Act 3 Geo. 4, c. 51		2,507,130	0	0
Bank of England - - - - - per Act 4 Geo. 4, c. 22		292,870	0	0
Civil List, 4 Quarters to 5th January, 1824.....		1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 5th January 1824		378,556	13	3 $\frac{1}{2}$
Salaries and Allowances - - - - - do. - - - - -		68,620	6	4
Officers, Courts of Justices - - - - - do. - - - - -		98,089	10	6
Expenses of the Mint - - - - - do. - - - - -		14,746	10	8
Bounties - - - - - do. - - - - -		2,956	13	8
Miscellaneous - - - - - do. - - - - -		216,938	5	2
Do. - - - Ireland - - - - - do. - - - - -		310,022	3	8 $\frac{1}{2}$
Advances out of the Consolidated Fund in Ireland, for Public Works		304,544	10	9 $\frac{1}{2}$
		38,369,305	16	3 $\frac{1}{2}$
Exchequer Bills issued to make good the Charge of the Consolidated Fund to the 5th January, 1823		5,928,354	13	3
		44,297,660	9	6 $\frac{1}{2}$
SURPLUS of the CONSOLIDATED FUND		6,230,891	8	7 $\frac{1}{2}$
		50,528,551	18	2

J. C. HERRIES.

An Account of the State of the PUBLIC FUNDED DEBTS of GREAT BRITAIN
the Debt created by

DEBT.

	1. CAPITALS.	2. CAPITALS redeemed and transferred to the Commissioners.	3. CAPITALS UNREDEEMED.
	£. s. d.	£. s. d.	£. s. d.
GREAT BRITAIN.			
Debt due to the South Sea Company } at £.3 per cent	3,662,784 8 6	- - -	3,662,784 8 6
Old South Sea Annuities - do.	4,574,870 2 7	77,000 0 0	4,497,870 2 7
New South Sea Annuities - do.	3,128,330 2 10	55,000 0 0	3,073,330 2 10
South Sea Annuities, 1751 - do.	707,600 0 0	22,000 0 0	685,600 0 0
Debt due to the Bank of England do.	14,686,800 0 0	- - -	14,686,800 0 0
Bank Annuities, created in 1726 do.	1,000,000 0 0	1,695 9 7	998,304 10 5
Consolidated Annuities - do.	365,517,888 8 0	2,444,616 6 1	363,073,272 1 11
Reduced Annuities - do.	133,798,134 5 6	1,540,450 19 10	132,257,683 5 8
TOTAL at £.3 per cent	527,076,407 7 5	4,140,762 15 6	522,935,644 11 11
Annuities - at £.3½ per cent	15,739,840 14 2	216,547 0 0	15,523,293 14 2
Consolidated Annuities £.4 do.	74,866,408 12 4	43,940 11 11	74,822,468 0 5
New £.4 per cent Annuities	146,485,117 0 10	36,181 15 5	146,448,935 5 5
£.5 per cents 1797 and 1802	1,013,668 12 4	4,964 10 7	1,008,704 1 9
Great Britain	765,181,442 7 1	4,442,396 13 5	760,739,045 13 8
IN IRELAND.			
(In British Currency.)			
£.3½ per cent Debentures and Stock	12,799,377 2 1	129,673 11 11	12,669,703 10 2
£.4 per cent - do. - do.	1,381,772 8 2	- - -	1,381,772 8 2
Debt due to the Bank of Ireland, at £.4 } per cent	1,615,384 12 4	- - -	1,615,384 12 4
New £.4 per cents	9,658,385 8 8	- - -	9,658,385 8 8
Debt due to the Bank of Ireland, at £.5 } per cent	1,015,384 12 4	- - -	1,015,384 12 4
Ireland	26,470,304 3 7	129,673 11 11	26,340,630 11 8
TOTAL United Kingdom	791,651,746 10 8	4,572,070 5 4	787,079,676 5 4

STOCK.

Note.—THE above Columns, 1 & 2, show the Totals of Debt for the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament, and by redemption of Land Tax, amounting to £. s. d.

481,501,735 17 1

and IRELAND, and of the CHARGE thereupon at the 5th January, 1824, including 7,500,000*l.* raised in 1823.

CHARGE.

		IN GREAT BRITAIN.	IN IRELAND. (In British Currency.)	TOTAL ANNUAL CHARGE.
		£. s. d.	£. s. d.	£. s. d.
Sinking Fund.	Part of the Annual Sum of 5,000,000 <i>l.</i> directed to be issued per 4 Geo. 4, c. 19, towards the reduction of the National Debt of the United Kingdom	4,803,307 0 0	160,000 0 0	
	Annual Interest on Stock standing in the names of the Commissioners	127,061 17 10	4,538 11 6	
	Long Annuities - - - do:	1,814 16 10	—	
		4,932,183 14 8	164,538 11 6	
Due to the Public Creditor.	Annual Interest on Unredeemed Debt	25,132,675 19 1	1,000,430 10 11	
	Long Annuities, expire 1860 ..	1,338,837 1 10	—	
	Life Annuities payable at the Exchequer, English	28,580 13 1	—	
	Do. - Irish	35,461 7 9	7,035 4 7	
		26,535,555 1 10	1,007,465 15 7	
Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. & D. 53 Geo. 3, c. 123		(a) 8,193 5 1	—	
Management		281,092 17 11	660 0 0	
The Trustees of Military and Naval Pensions and Civil Superannuations		2,800,000 0 0	—	
		34,557,024 19 6	1,172,664 7 1	35,729,689 6 8

Note (a).—THE Act 53 Geo. 3, c. 123, s. 14 & 15, directs, that the Interest of all Stock transferred to the Commissioners for the reduction of the National Debt, towards the redemption of Land Tax, under Schedules C. & D. in that Act, shall be placed to the Account of the said Commissioners, until, by accumulation, the several Bank Annuities purchased therewith, shall yield a Dividend exceeding the amount of the Land Tax redeemed, by one-tenth part thereof, after which the said Interest is to cease.

CHARGE.

DEBT.

LOANS TO THE EMPEROR OF CHINA FUNDED IN GREAT BRITAIN.	Co. 1.—CAPITALS.	Co. 2.—CAPITALS transferred to the Commissioners.	Co. 3.—CAPITALS unredeemed.	ANNUAL CHARGE.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Imperial Annuities, £3 per cent.....	4,656,717 6 8	£. 34,778 13 3	£. 4,621,938 13 5	—
				£. s. d.
				36,693 0 0
				1,043 7 2½
				37,736 7 2½
				138,658 3 2½
				1,571 9 2
				177,965 19 7

(Part of the Annual Sum of 5,000,000/., directed to be issued per 4 Geo. 4, c. 19, towards the reduction of the National Debt of the United Kingdom.....
Annual Interest on Stock standing in the names of the Commissioners
Due to the Public Creditor } Annual Interest on Unredeemed Debt.....
Management.....

Note.—THE above Columns, 1 & 2, show the Debt, after deducting £2,845,916, the sum of Capital Stock cancelled pursuant to Act of Parliament.

ABSTRACT.

	CAPITALS.	CAPITALS transferred to the Commissioners.	CAPITALS unredeemed.	ANNUAL CHARGE.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	MANAGEMENT. £. s. d.	SINKING FUND, £. s. d.
Great Britain	765,181,442 7 1½	4,442,396 13 5	760,739,045 13 8½	£. 281,092 17 11½	£. 4,932,183 14 8
Ireland	26,470,304 3 7	129,673 11 11	26,340,630 11 8	660 0 0	(a) 164,538 11 6½
Germany	4,656,717 6 8	34,778 13 3	4,621,938 13 5	1,571 9 2	37,736 7 2½
					177,965 19 7
	796,308,463 17 4½	4,606,848 18 7	791,701,614 18 9½	283,324 7 1½	5,134,458 13 4½
					33,107,655 6 34
The Trustees of Military and Naval Pensions and Civil Superannuations				- - -	- - -
					2,800,000 0 0
					5,134,458 13 4½
					35,907,655 6 34

(a) Chargeable with £519,634. 2d. 0s. Life Annuities, per 48 Geo. 3, c. 142.

S. HUGHAM, Compt. Gen.

National Debt Office, 8th March 1824.

CLASS V.—UNFUNDED DEBT.

[xix]

An Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on the 5th January 1824.

	PROVIDED.	UNPROVIDED.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.
Exchequer Bills	710,450 0 0	34,031,300 0 0	34,741,750 0 0
Sums remaining unpaid, charged upon Aids granted by Parliament.....	4,337,080 13 10½	- - -	4,337,080 13 10½
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain	283,342 2 6½	- - -	283,342 2 6½
TOTAL Unfunded Debt, and Demands outstanding	5,330,872 16 5	34,031,300 0 0	39,362,172 16 5
Ways and Means	5,372,470 8 2	- - -	- - -
SURPLUS Ways and Means	41,597 11 9	- - -	- - -
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund	- - -	1,541,928 11 1½	1,541,928 11 1½

An Account showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1823, have been disposed of; distinguished under their several Heads; to 5th January 1824.

SERVICES.	SUMS			SUMS		
	Voted or Granted.			Paid.		
	£.	s.	d.	£.	s.	d.
NAVY	5,361,290	6	8	3,878,307	10	7
ORDNANCE	1,451,176	12	5	879,378	17	8½
FORCES	7,294,458	7	6	5,879,236	5	2¾
For defraying the CHARGE of the CIVIL ESTABLISHMENTS under-mentioned; viz.						
Of the Bahama Islands, for the year 1823	3,297	5	0	3,297	5	0
Of the Island of Dominica - - do.	600	0	0	300	0	0
Of Upper Canada - - - do.	12,232	3	6	6,000	6	6
Of Nova Scotia - - - do.	13,140	0	0	6,570	0	0
Of New Brunswick - - - do.	6,757	10	0	3,000	0	0
Of Prince Edward Island - - do.	3,520	15	0	3,520	15	0
Of New South Wales - - - do.	15,222	1	0	15,222	1	0
Of Sierra Leone - - - do.	22,816	17	0	20,000	0	0
Of Bermuda's - - - do.	1,522	1	4	1,522	1	4
Of the Island of Newfoundland - do.	5,873	0	0	4,000	0	0
Royal Military College; from the 25th Dec. 1822 to 24th Dec. 1823	11,569	16	1	3,750	13	4
Royal Military Asylum; for the same time	26,075	16	7	13,641	1	1
The Sum of 39,192 <i>l.</i> 16 <i>s.</i> 6¾ <i>d.</i> the remainder of the Grant of 1817, for making good the Deficiency of the Consolidated Fund in Ireland to 5th Jan. 1817, and to pay the Sum of 20,000 <i>l.</i> , granted in 1818 and 1819, to make provisions for the augmentation of the Maintenance of the Poor Clergy in Scotland, and which several Sums now remaining outstanding and unpaid	59,192	16	6¾	9	4	7½
Interest on Exchequer Bills	1,100,000	0	0	1,100,000	0	0
Expense of Works and Repairs of Public Buildings	40,000	0	0	—		
Extraordinary Expenses that may be incurred for prosecutions, &c. relating to the Coin of this Kingdom	5,000	0	0	—		
Expense of Law Charges	25,000	0	0	18,000	0	0
Expense of confining, maintaining, and employing Convicts at Home	62,405	0	0	62,405	0	0
Bills drawn by his Majesty's Governors <i>et alia</i> , for expenses incurred under Act for the Abolition of the Slave Trade, and in conformity to Orders in Council of 16th March 1808, and the 11th July 1817, for the support, &c. of captured Negroes, free American Settlers, &c.	40,000	0	0	40,000	0	0
For making good the Deficiency of Fee Fund in the Department of Treasury	22,650	0	0	17,875	13	2
Deficiency of Fee Fund in the Department of Home Secretary of State	15,000	0	0	11,947	12	5
Deficiency of Fee Fund in the Department of Foreign Secretary of State	20,538	0	0	17,186	13	10½
Deficiency of Fee Fund in the Department of Secretary of State for the Colonies	13,563	0	0	10,124	15	0
Deficiency of Fee Fund in the Department of Privy Council, and Privy Council for Trade	16,086	0	0	11,617	4	8
Contingent Expenses, and Messengers Bill, in the Department of Treasury	10,000	0	0	5,000	0	0
Contingent Expenses, and Messengers Bill, in the Department of Home Secretary of State	10,996	0	0	9,794	7	6
Contingent Expenses, and Messengers Bill, in the Department of Foreign Secretary of State	39,026	0	0	39,026	0	0

CLASS VI.—DISPOSITION OF GRANTS. [xxi

SERVICES— <i>continued.</i>	SUMS			SUMS		
	Voted or Granted.			Paid.		
	£.	s.	d.	£.	s.	d.
Contingent Expenses, and Messengers Bill, in the Department of Secretary of State for the Colonies.....	8,276	0	0	4,128	10	0
Contingent Expenses, and Messengers Bill, in the Privy Council and Privy Council for Trade	3,277	0	0	2,274	15	4
Salaries of certain Officers, and Expenses of the Court and Receipt of the Exchequer	5,850	0	0	5,583	0	2
Salaries of Commissioners of Insolvent Debtors Court, and of their Clerks, and the Contingent Expenses of their Office ..	9,040	0	0	4,320	0	0
Salaries or allowances granted to certain Professors in the Universities of Oxford and Cambridge, for reading courses of Lectures	1,058	5	0	1,058	5	0
Expenses of the Houses of Lords and Commons	15,446	0	0	6,876	8	1
Salaries and Allowances to the Officers of the Houses of Lords and Commons	23,237	0	0	17,760	5	9
Extraordinary Expenses in the Department of the Lord Chamberlain, for Fittings and Furniture for the two Houses of Parliament	4,800	0	0	2,776	9	0
Foreign and other Secret Services	50,000	0	0	30,299	6	9
Expenses incurred for Printing in 1823, by order of the Commissioners for carrying into execution the Measures recommended by the House of Commons respecting the Records of the Kingdom	10,147	13	11	10,147	13	11
Printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords	17,000	0	0	—		
Printing 1,750 copies of the 78th volume of Journals of the House of Commons; for the Session 1823.....	3,500	0	0	—		
Printing the Votes of the House of Commons; for the Session 1823	3,500	0	0	3,500	0	0
Deficiency of the Grant of 1822, for defraying the Expense of printing the Votes of the House of Commons, during the last Session of Parliament	88	8	0	88	8	0
Printing Bills, Reports, and other Papers, by order of the House of Commons, during the present Session	20,000	0	0	—		
Re-printing Journals and Reports of the House of Commons ..	3,000	0	0	—		
For paying, in 1823, the usual Allowances to Protestant Dissenting Ministers in England, Poor French Protestant Refugee Clergy, Poor French Protestant Refugee Laity, and sundry small Charitable and other Allowances to the Poor of Saint Martin's-in-the-Fields, and others	6,735	8	10	2,909	17	0
Civil and Military Establishments of the Settlements of the Gold Coast, for 1823.....	24,926	13	10	9,500	0	0
Salaries of the Officers, and Contingent Expenses in the Office for the Superintendence of Aliens; and also the Superannuations or Retired Allowances to Officers formerly employed in that Service	5,214	17	0	5,201	17	0
Bills drawn, or to be drawn, from New South Wales; for 1823	150,000	0	0	150,000	0	0
Expense of certain Colonial Services, formerly paid out of the Extraordinaries of the Army; for 1823	2,442	10	0	2,442	10	0
Such Expenses of a Civil nature, as do not form a part of the Ordinary Charges of the Civil List; for 1823	160,000	0	0	141,042	0	7
For carrying on the Works at the Royal Harbour of George the Fourth at King's Town (formerly Dunleary); for 1823 ..	45,000	0	0	29,538	9	2½
Deficiency of the Grant of last Session, for printing 1,750 copies of the 77th volume of the Journals of the House of Commons	2,350	2	10	2,350	2	10
Stationery, Printing, and Binding, for certain Public Departments, for 1823; including the Expense of Stationery Office	59,760	0	0	30,000	0	0
Deficiency of the Grant of the last Session, for printing Bills, Reports, and other Papers, by order of the House of Commons, during that Session	20,692	3	8	20,692	3	8
Expense of printing 1,250 copies of the 51st volume of Journals of the House of Peers, in 1823	1,525	3	0	1,525	3	0
Deficiency of the Grant of the last Session, for printing Acts of Parliament for the two Houses, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United						

SERVICES— <i>continued.</i>	SUMS			SUMS		
	Voted or Granted.			Paid.		
	£.	s.	d.	£.	s.	d.
Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts, for the House of Peers.....	7,652	15	6½	7,652	15	6½
Expense incurred by the Society for the Propagation of the Gospel in the North American Colonies	5,850	0	0	—		
To enable his Majesty to facilitate Emigration from the South of Ireland to the Canadas and the Cape of Good Hope.....	15,000	0	0	10,000	0	0
The following SERVICES are directed to be paid, without any Fee or other Deduction whatsoever:						
Expense of Penitentiary House at Milbank; from 24th June 1823 to 24th June 1824	18,000	0	0	—		
National Vaccine Establishment; for 1823	3,000	0	0	3,000	0	0
For the Relief, in 1823, of Toulonese and Corsican Emigrants, Dutch Naval Officers, St. Domingo Sufferers, and others, who have heretofore received Allowances from his Majesty, and who, from Services performed or Losses sustained in the British Service, have special claims upon his Majesty's justice and liberality	16,150	0	0	9,150	0	0
For Relief of American Loyalists; for 1823	7,000	0	0	5,000	0	0
Expense of confining and maintaining Criminal Lunatics; for 1823	3,306	10	0	2,246	14	9
For defraying, in 1823, the Charge of the Allowances or Compensations granted as Retired Allowances or Superannuations, to Persons formerly employed in Public Offices or Departments, or in the Public Service, according to the provisions of the 50th of his late Majesty, and of the 3rd of his present Majesty	10,567	16	8	345	0	0
To complete Repairs of Henry the Seventh's Chapel; for 1823	499	18	3	499	18	3
Expense of Works carrying on at the College of Edinburgh; for 1823	10,000	0	0	10,000	0	0
Expense of sundry Works now executing at Port Patrick Harbour; for 1823	12,847	0	0	12,847	0	0
Towards completing the Works of the Caledonian Canal; for 1823	25,000	0	0	25,000	0	0
Expense of building a Court for the Commissioners of the Insolvent Debtors.....	5,300	0	0	—		
Expenses of Building the New Courts of Justice in Westminster Hall; for 1823	30,000	0	0	—		
For paying, in 1823, the Awards of the Commissioners established in London, in pursuance of the 58th of his late Majesty, for carrying into effect a Convention between his late Majesty and his most Faithful Majesty, to Claimants of Portuguese Vessels and Cargoes captured by British Cruizers, on account of the unlawful Trading in Slaves; since the 1st June 1814	15,000	0	0	—		
For paying, in 1823, the Salaries and Incidental Expenses of the Commissioners appointed on the part of his Majesty, under the Treaties with Spain, Portugal, and the Netherlands, for Preventing the illegal traffic in Slaves; and in pursuance of the 58th and 59th of his late Majesty, for carrying the said Treaties into effect	18,700	0	0	—		
To make Compensation to the Commissioners for inquiring into the Collection and Management of the Revenue in Ireland, and the several Establishments connected therewith, for their assiduity, care and pains, in the execution of the trust reposed in them by Parliament	6,250	0	0	6,250	0	0
For the Support of the Institution called "The Refuge for the Destitute," for 1823.....	5,000	0	0	5,000	0	0
Expenses of the British Museum; for year ending 25th March 1824.....	8,766	0	0	8,766	0	0
Towards defraying the Expense of Buildings at the British Museum, for the Reception of the Royal Library, and for other purposes, and for providing for the Officers of the Establishment of the said Library; for 1823.....	40,000	0	0	—		
To be issued to Captain Manby, as a further Reward for his						

CLASS VI.—DISPOSITION OF GRANTS. [xxiii

SERVICES— <i>continued.</i>	SUMS			SUMS		
	Voted or Granted.			Paid.		
	£.	s.	d.	£.	s.	d.
Invention for effecting a Communication with Ships Stranded, whereby 129 Lives have been saved	2,000	0	0	2,000	0	0
Expense of Sundry Works executing at Donaghadee Harbour; for 1823	15,000	0	0	15,000	0	0
For enabling the Commissioners acting in pursuance of the 55th of his late Majesty, to complete the Improvements which remain to be made on the Road from London to Holyhead; in 1823	29,114	9	3	29,114	9	3
For completing Sundry Works at Holyhead Harbour; in 1823	20,870	0	0	—		
For defraying the CHARGE of the following Services in Ireland; which are directed to be paid Nett in British Currency.						
Board of Works in Ireland; for 1823.....	16,107	0	0	9,975	15	1½
Printing, Stationery, and other Disbursements of the Chief and Under Secretaries Offices and Departments, and other Public Offices in Dublin Castle and other places, and for Riding Charges and other expenses of the Deputy Pursuivants, and Messengers attending the said Offices, also, Superannuated Allowances in the Chief Secretary's Office; for one year ending 5th January 1824	17,301	0	0	12,137	15	10½
Expense of publishing Proclamations and other matters of a public nature in the Dublin Gazette, and other Newspapers; for the same time	6,500	0	0	5,797	4	6½
Printing and Binding several Copies of a folio Edition of the Public General Acts of the present Session, for the use of the Lords, Bishops and other Public Officers, and 1,500 Copies of a Quarto Edition for the use of the Magistrates in Ireland	3,700	0	0	2,412	1	5½
Expense of Criminal Prosecutions (including the Apprehension of Offenders) and other Law Expenses in Ireland.....	24,000	0	0	24,000	0	0
Deficiency of Grant of 1822, for Criminal Prosecutions in Ireland	13,000	0	0	13,000	0	0
Expense of Supporting the Non-Conforming Ministers in Ireland	8,789	10	9½	6,603	13	10½
Expense of Supporting the Seceding Ministers from the Synod of Ulster, in Ireland	4,034	15	5	2,017	7	8½
Expense of Supporting the Protestant Dissenting Ministers in Ireland	756	0	0	756	0	0
Salaries of the Lottery Officers in Ireland	1,151	7	1	927	19	4½
Works at the Harbour of Howth; for 1823	4,000	0	0	923	1	6½
Directors and Officers of Inland Navigations in Ireland, and for the maintenance of the several Navigations; for 1823 ..	6,100	0	0	6,100	0	0
Police and Watch Establishments of the City of Dublin	27,000	0	0	27,000	0	0
Salaries and Expenses of the Commission of Inquiry into the Land Revenue of the Crown in Ireland	1,651	0	0	936	12	2
Salaries and Expenses of the Commissioners appointed to inquire into the Duties, Salaries and Emoluments, of the Officers, Clerks and Ministers of Justice, in all Temporal and Ecclesiastical Courts in Ireland	7,200	0	0	5,464	11	1
Salaries and Expenses of the Record Commission in Ireland ..	3,500	0	0	2,715	7	8½
Retired Allowance to the Rev. Foster Archer, late Inspector General of Prisons in Ireland; for two years	904	12	3	791	10	8½
Expense of Building Churches and Glebe Houses, and of purchasing Glebes in Ireland; for one year	9,230	0	0	9,230	0	0
Expense of the Trustees of the Linen and Hempen Manufactures of Ireland, for the same time, to be applied in such manner as shall appear to them to be most conducive to promote and encourage the said manufactures in Ireland ..	19,938	9	2½	19,938	9	2½
Expense of the Commissioners for making wide and convenient Streets in the City of Dublin; for one year	10,000	0	0	10,000	0	0
Expense of the Royal Irish Academy; for 1823	300	0	0	—		
Civil Contingencies in Ireland; for one year	15,000	0	0	10,574	15	10½
Expense of the Protestant Charter Schools in Ireland; for same time	17,000	0	0	14,769	4	7½
Expense of the Society for promoting the Education of the Poor in Ireland; for same time	14,000	0	0	11,076	18	5½

FINANCE ACCOUNTS:

SERVICES— <i>continued.</i>	SUMS			SUMS		
	Voted or Granted			Paid.		
	£.	s.	d.	£.	s.	d.
Expense of the Foundling Hospital in Dublin; for one year ..	27,667	0	0	27,667	0	0
Expense of Supporting the House of Industry, Asylum, and Hospitals; for same time	19,000	0	0	13,846	3	1
Expense of Supporting the Richmond Lunatic Asylum in Dublin; for same time	4,900	0	0	4,900	0	0
Expense of Hibernian Society for Soldiers Children; for same time	7,500	0	0	7,500	0	0
Expense of Hibernian Marine Society in Dublin; for same time	1,600	0	0	1,600	0	0
Expense of Female Orphan House in Dublin; for same time	1,930	0	0	1,930	0	0
Expense of Westmorland Lock Hospital in Dublin; for same time	2,680	0	0	2,680	0	0
Expense of Lying-in Hospital in Dublin; for same time	2,800	0	0	2,800	0	0
Expense of Dr. Steevens's Hospital in Dublin; for same time	1,400	0	0	1,400	0	0
Expense of Fever Hospital and House of Recovery; in Cork Street, Dublin; for same time	3,692	0	0	3,692	0	0
Expense of Hospital for Incurables in Dublin; for same time	300	0	0	300	0	0
Expense of the Establishment of the Roman Catholic Seminary in Ireland; for same time	8,928	0	0	8,928	0	0
Expense of the Royal Cork Institution; for same time	2,000	0	0	2,000	0	0
Expense of the Royal Dublin Society; for same time	7,000	0	0	7,000	0	0
Expense of the Farming Society of Ireland; for same time	2,500	0	0	923	1	6½
Expense of the Commissioners of Charitable Donations and Bequests; for same time	500	0	0	500	0	0
For enabling the Lord Lieutenant of Ireland to issue money from time to time in Aid of Schools Established by Voluntary Contributions	7,000	0	0	601	12	3½
Expense of the Association for Discountenancing Vice, and promoting the knowledge and Practice of the Christian Religion in Ireland; for one year	8,385	0	0	4,615	7	8½
	17,037,517	19	2½	12,986,651	18	6
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies for the years 1822 or 1823, now remaining unpaid or unprovided for (exclusive of 1,050,000 <i>l.</i> issued to the Trustees for the Naval and Military Pensions, and which were paid off by them)	34,800,000	0	0			
To pay off and discharge Exchequer Bills issued between the 5th of Jan. 1822, and 5th Jan. 1823, pursuant to the several Acts of the 57th and 58th of his late Majesty, and the 1st of his present Majesty; for authorizing the issue of Exchequer Bills for the carrying on Public Works, and Fisheries in the United Kingdom, and for Building and promoting the Building of Additional Churches	144,150	0	0	28,036,650	0	0
	51,981,667	19	2½	41,023,301	18	6

CLASS VI.—DISPOSITION OF GRANTS. [xxv]

PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

	Sums paid to 5th January, 1824.	Estimated further Miscellaneous Payments.
	£. s. d.	£. s. d.
Grosvenor Charles Bedford, Esq. on his Salary for additional trouble in preparing Exchequer Bills, pursuant to an Act 48 Geo. 3, c. 1	150 0	50 0 0
Bank of England, for Management on Life Annuities	2,023 17 0½	—
Expenses in the Office of the Commissioners for the Reduction of the National Debt	1,600 0 0	—
Expenses in the Office of the Commissioners for issuing Commercial Exchequer Bills	2,000 0 0	2,000 0 0
Expenses in the Office of the Commissioners for inquiring into the Collection and Management of the Revenue in Ireland ..	4,500 0 0	3,000 0 0
Expenses in the Office of the Commissioners for issuing Exchequer Bills for building additional Churches, per Act 58 Geo. 3, c. 45	3,000 0 0	—
For defraying the Charges of preparing and drawing the Lotteries for 1823	— — —	17,000 0 0
Paid to the Bank of England, more than received of them, to make up their Balance on account of unclaimed Dividends..	52,720 6 11	—
	65,994 3 11½	22,050 0 0
		65,994 3 11½
TOTAL Payments for Services not voted		88,044 3 11½
Amount of Sums voted		51,981,667 19 2½
TOTAL Sums voted, and Payments for Services not voted ..		52,069,712 3 2

WAYS AND MEANS

for answering the foregoing Services.

Duty on Sugar, Tobacco and Snuff, Foreign Spirits and Sweets, and on Pensions, Offices, &c.	£. s. d.
Profits of Lotteries estimated at	3,000,000 0 0
Trustees for the Payment of Naval and Military Pensions, and Civil Superannuations, per Act 3 Geo. 4, c. 51	200,000 0 0
East India Company, per Act 4 Geo. 4, c. 71	4,800,000 0 0
Estimated Surplus of the Consolidated Fund, per Act 4 Geo. 4, c. 21	105,000 0 0
Surplus Ways and Means, 1817, 1818, 1820, 1821 and 1822 - do.....	8,700,000 0 0
Transfer of Ways and Means, 1817 and 1818 - - - - do.....	469,047 17 10½
Interest on Land Tax redeemed by Money	59,192 16 6¾
Voluntary Contributions, per Act 4 Geo. 4, c. 3, sec. 27.....	89 9 5½
Repayments on account of Exchequer Bills issued pursuant to two Acts of the 57th year of his late Majesty, for carrying on Public Works and Fisheries in the United Kingdom	42,101 0 6½
	121,233 15 5
Exchequer Bills voted in Ways and Means; viz. 4 Geo. 4, c. 4. £.20,000,000 0 0	17,496,664 19 10
4 Geo. 4, c. 100. 14,700,000 0 0	34,700,000 0 0
TOTAL Ways and Means.....	52,169,664 19 10
TOTAL Sums voted, and Payments for Services not voted	52,069,712 3 2
SURPLUS Ways and Means.....	126,952 16

Whitehall, Treasury Chambers, }
16th March 1824.

J. C. HERRIES.

Mem.—THE Sum of £.3,000,000 was authorised by Act 4 Geo. 4, c. 6, to be applied out of the Ways and Means granted for the Service of the year 1822, and the like Sum was granted out of the Ways and Means 1823, to discharge the like amount of Supplies for the Service of the year 1822.

CLASS VII.—ARREARS AND BALANCES.

[This Head, which occupies 120 folio pages in the Parliamentary Accounts, is here omitted, as not being of general utility.]

TRADE OF THE UNITED KINGDOM.

An Account of the VALUE of all IMPORTS into, and of all EXPORTS from the United Kingdom of GREAT BRITAIN and IRELAND, during each of the Three Years ending the 5th January 1824 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade between Great Britain and Ireland reciprocally).

YEARS ending 5th January.	VALUE OF IMPORTS calculated at the Official Rates of Valuation.			VALUE OF EXPORTS, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures Exported according to the Real and Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1822 ...	30,792,763	4	10	40,831,744	17	5	10,629,689	5	8	51,461,434	3	1	36,659,631	3	0
1823 ...	30,500,094	17	4	44,236,533	2	4	9,227,589	6	11	53,464,122	9	3	36,968,964	9	9
1824 ...	35,751,688	7	0	43,804,372	18	1	8,603,904	9	1	52,408,277	7	2	35,458,048	13	6

Inspector General's Office, Custom House, }
London, 24th March 1824. }

WILLIAM IRVING,
Inspector General of Imports and Exports.

FOREIGN TRADE OF GREAT BRITAIN.

An Account of the VALUE of all IMPORTS into, and of all EXPORTS from GREAT BRITAIN, during each of the Three Years ending the 5th January 1824 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade with Ireland).

YEARS ending 5th January.	VALUE OF IMPORTS calculated at the Official Rates of Valuation.			VALUE OF EXPORTS, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures Exported according to the Real and Declared Value thereof.			
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.						
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	
VALUE exclusive of the Trade with Ireland.	1822	29,724,173	13	7	40,194,892	13	11	10,602,090	0	0	50,796,982	13	11	35,826,082	13	7
	1823	29,401,807	10	10	43,558,488	12	9	9,211,927	16	10	52,770,416	9	7	36,176,896	13	11
	1824	34,544,245	11	0	43,144,466	1	6	8,588,995	18	0	51,733,461	19	6	34,691,124	8	10

Inspector General's Office, Custom House, }
London, 24th March 1824. }

WILLIAM IRVING,
Inspector General of Imports and Exports.

CLASS VIII.—TRADE AND NAVIGATION.

[xxvii]

An Account of the Value of all IMPORTS into, and of all EXPORTS from IRELAND, during each of the three Years ending the 5th January 1824 (stated inclusive and exclusive of the Trade with GREAT BRITAIN).

YEARS ENDING	VALUE of Imports into IRELAND, calculated at the Rates of Valuation,	VALUE OF EXPORTS FROM IRELAND,			TOTAL EXPORTS.	VALUE of the Produce and Manufactures of the United Kingdom, Exported from Ireland, as computed at the Average Prices Current.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandise.			
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
5th January, 1822	6,407,427 15 8½	7,703,857 11 8¾	77,795 4 3¼	7,781,652 16 0	9,808,057 19 7¼	
— 1823	6,607,487 12 5½	6,771,607 2 3¼	54,302 7 3	6,825,909 9 6¼	7,871,237 10 9	
— 1824	6,020,975 3 8	8,091,113 18 2	61,635 18 1½	8,152,749 16 3½	9,695,871 1 7¾	
YEARS ENDING						
5th January, 1822	1,068,589 11 3½	636,852 3 6¼	27,599 5 7½	664,451 9 2	833,548 9 5	
— 1823	1,098,287 6 6	678,044 9 7	15,661 10 1	693,705 19 8	792,067 15 10	
— 1824	1,207,442 16 0¼	659,906 16 7¼	14,908 11 1½	674,815 7 8¾	766,924 4 8¼	

Custom House, Dublin, }
12th March 1824. }

WILLIAM MARRABLE,
Inspector General of the Imports and Exports of Ireland.

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ending the 5th January 1822, 1823, and 1824, respectively.

	In the Years ending 5th January,					
	1822.		1823.		1824.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom.....	585	58,076	564	50,928	594	63,151
Isles Guernsey, Jersey, and Man.....	12	1,406	7	605	10	637
British Plantations.....	275	15,365	209	15,611	188	14,679
TOTAL	872	74,847	780	67,144	792	78,467

VESSELS REGISTERED.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 30th September, in the Years 1821, 1822, and 1823, respectively.

	On 30th Sept. 1821.			On 30th Sept. 1822.			On 30th Sept. 1823.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom ..	21,163	2,329,213	150,424	20,756	2,288,999	147,529	20,573	2,275,995	147,058
Isles Guernsey, Jersey, and Man....	489	26,639	3,859	482	26,404	3,788	469	26,872	3,680
British Plantations..	3,384	204,350	14,896	3,404	203,641	15,016	3,500	203,893	14,736
TOTAL....	25,036	2,560,202	169,179	24,642	2,519,044	166,333	24,542	2,506,760	165,474

NAVIGATION OF THE UNITED KINGDOM—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages) that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to all Parts of the World (exclusive of the intercourse between GREAT BRITAIN and IRELAND respectively) during each of the three Years ending 5th January 1824.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM, (Exclusive of the Intercourse between Great Britain and Ireland.)									
Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1822..	10,805	1,599,423	97,485	3,261	396,107	26,043	14,066	1,995,530	123,528
1823..	11,087	1,663,627	98,980	3,389	469,151	28,421	14,476	2,132,778	127,401
1824..	11,271	1,740,859	112,244	4,069	582,996	33,828	15,340	2,323,855	146,072

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, (Exclusive of the Intercourse between Great Britain and Ireland.)									
	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1822..	9,797	1,488,644	93,377	2,626	383,786	22,162	12,423	1,872,430	115,539
1823..	10,023	1,539,260	95,998	2,843	457,542	25,394	12,866	1,996,802	121,392
1824..	9,666	1,546,976	95,596	3,437	563,571	29,323	13,103	2,110,547	124,919

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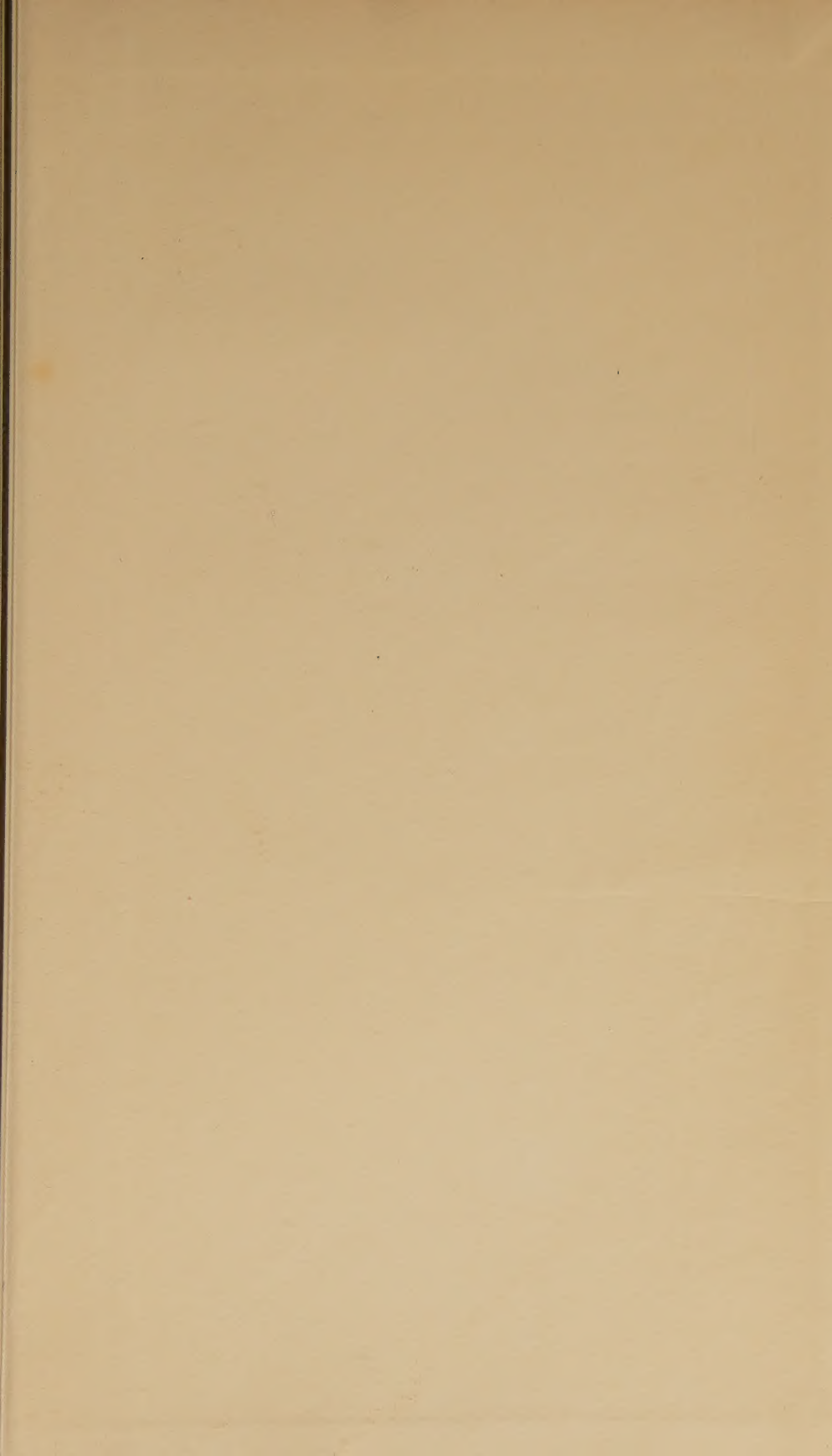
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